

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DONNA CURLING, ET AL.,)	
)	
Plaintiffs,)	
)	
vs.)	CIVIL ACTION NO.
)	
BRAD RAFFENSPERGER, ET)	1:17-CV-2989-AT
AL,)	
)	
Defendants.)	

VIDEOTAPED 30(b)(6) DEPOSITION OF GABRIEL STERLING

(Taken by Plaintiffs)

February 24, 2022

9:07 a.m.

Reported by: Debra M. Druzisky, CCR-B-1848

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14 Exhibit 2 LinkedIn Web page print-out re: 13
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15 Exhibit 3 Excerpted pages of "Integrity 76
16 Counts" by Brad Raffensperger.

17 Exhibit 4 Video excerpt of speech by 151
18 Gabriel Sterling re: Universite
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20 Objections and Responses to
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22 Exhibit 6 8-23-21, State Defendants' 157
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1 THE VIDEOGRAPHER: All right. This
2 will be the deposition of Gabriel Sterling
3 in the case of Curling versus
4 Raffensperger, File Number
5 1:17-CV-2989-AT. Today's date is February
6 24th, 2022, and the time is 9:07 a.m. And
7 we are on the record.

8 Would the court reporter please swear
9 in the witness?

10 GABRIEL STERLING,
11 having been first duly sworn, was examined and
12 testified as follows:

13 EXAMINATION

14 BY MR. CROSS:

15 Q. Good morning, Mr. Sterling.

16 A. Good morning, Mr. Cross.

17 (Whereupon, a technical discussion
18 ensued off the record.)

19 BY MR. CROSS:

20 Q. All right. Mr. Sterling, I understand
21 you've been deposed before, I think relatively
22 recently, in fact, so this will be similar to your
23 prior experience.

24 You -- do you understand that you're here
25 to testify today on behalf of the Secretary of

1 State's office on specific topics that they've
2 designated you on?

3 A. Yes.

4 Q. Okay. And do you have the Exhibit Share
5 in front of you?

6 A. I do.

7 (Whereupon, Plaintiff's
8 Exhibit 1 was marked for
9 identification.)

10 BY MR. CROSS:

11 Q. Okay. Can you pull up Exhibit 1, please?

12 A. Okay.

13 MR. RUSSO: Hey, David, I don't mean
14 to interrupt, but I'm just going to raise
15 one quick issue here. You guys are going
16 to split, I understand Bruce said you all
17 are splitting time today?

18 Okay. So you guys figured that out.
19 I just wanted to make sure it was -- we
20 were clear that that was our understanding
21 also --

22 MR. CROSS: Yeah.

23 MR. RUSSO: -- before we got started.

24 Okay.

25 THE WITNESS: I've got Exhibit 1

1 pulled up.

2 BY MR. CROSS:

3 Q. Okay. Have you seen Exhibit 1 before?

4 A. I don't think I've seen this one, no.

5 Q. Okay. All right.

6 A. Not that I recall.

7 Q. Scroll down to -- what page is this, page
8 numbers. It's Page 8 of the P.D.F. The top of --
9 the top says Amended Topics. Just tell me when
10 you've got that.

11 A. I'm there.

12 Q. Okay. Have you seen this list of topics
13 before?

14 A. Allow me a moment.

15 Q. Sure.

16 (Whereupon, the document was
17 reviewed by the witness.)

18 BY MR. CROSS:

19 Q. And I can make it easier on you. There
20 are specific topics in here you've been designated
21 on. And so if you want to --

22 A. I know. I'm just reading them to make
23 sure that they're all the ones I already saw. So.

24 Q. Okay. Yeah. Got it. Got it.

25 (Whereupon, the document was

1 reviewed by the witness.)

2 THE WITNESS: Yeah, this essentially
3 comports to the list I've -- I remember
4 looking over, so yes.

5 BY MR. CROSS:

6 Q. Okay. So just so we're on the same page,
7 if you look at topic one.

8 A. Let me scroll back up to it. Bear with
9 me.

10 Q. Okay.

11 A. The one listed as implementation and
12 operation of Georgia's yadda, yadda, yadda?

13 Q. Yes, sir.

14 A. Okay.

15 Q. Look at that, you'll see topics A, B, C
16 and E, and H. Are you prepared to testify on those
17 topics today? So it's A, B, C, E and H.

18 (Whereupon, the document was
19 reviewed by the witness.)

20 THE WITNESS: Yes.

21 BY MR. CROSS:

22 Q. All right. And then if you look at topic
23 two, are you prepared to testify on topic 2(c) to
24 that?

25 (Whereupon, the document was

1 reviewed by the witness.)

2 THE WITNESS: Yes.

3 BY MR. CROSS:

4 Q. And then are you prepared to testify on
5 all the other topics here except for 16?

6 A. Yes.

7 Q. Okay. And on 16, are you prepared to
8 testify at least as to documents that you're
9 familiar with, such as E-mails you sent or
10 received? Is that fair?

11 A. Hold on a second. I'm having a -- there.
12 I had to blow the screen back up.

13 Ask that question again. I apologize. I
14 was having a technical issue.

15 Q. Sure. On 16 it just involves documents
16 that were produced in discovery by the State
17 defendants, and they said it was a case-by-case
18 basis.

19 But I assume you're prepared today to
20 testify about documents that you're familiar with,
21 like E-mails that you sent or received. Is that
22 fair?

23 A. Yeah. Sure.

24 Q. Okay. All right. We'll come back to
25 this.

1 (Whereupon, Plaintiff's
2 Exhibit 2 was marked for
3 identification.)

4 BY MR. CROSS:

5 Q. Grab the next exhibit, if you would,
6 please.

7 MR. RUSSO: That's Exhibit 1, Gabe.

8 THE WITNESS: That's -- oh. I'm
9 looking at the wrong -- okay. I see what
10 it is. It builds up.

11 BY MR. CROSS:

12 Q. Yeah. Yeah, sometimes you have to
13 refresh. Do you see Exhibit 2?

14 A. Yeah. But to me Number 2 should be the
15 next one down, not the first one in. So now I've
16 figured that out. I've got it opened.

17 Q. All right. And Exhibit 2, do you
18 recognize that as a copy of your LinkedIn profile?

19 A. It looks like it, yes.

20 Q. Okay. And does the LinkedIn profile that
21 you have here in Exhibit 2, does that generally
22 capture your education and work experience?

23 A. To a degree.

24 Q. All right. Is there anything -- oh, I'm
25 sorry.

1 A. It's obviously LinkedIn -- well, it's a
2 LinkedIn, so it's intentionally short and punchy
3 versus, you know, long answers on things.

4 Q. Right. Is there anything important in
5 your work experience or education that you'd want
6 to add here today that you think is missing?

7 A. Well, one of the things that I would
8 consider to be important on this one, if we go
9 back, and you can talk about my Sterling Advisory
10 time or my time with Sandy Springs City Council,
11 where I did a lot of operational items and a lot of
12 bidding items around procurements and things like
13 that, as well as valuations and understanding
14 supply chains when we were valuing businesses and
15 working with businesses to maximize their
16 operational profits.

17 So those, those are some of the things
18 that aren't necessarily in there that I've kind of
19 alluded to that, if I was doing a job interview,
20 I'd get deeper into, obviously.

21 Q. Okay. Are there any professional
22 businesses or jobs that you've had that are not
23 reflected here that you would want to mention?

24 A. No. I think most of -- I mean, most of
25 the stuff's in there. So.

1 Q. Are there any formal education degrees
2 that you have that are not mentioned here?

3 A. No. Just my nice little U.G.A. bachelor
4 of science, political science degree.

5 Q. Okay. And a couple of questions about
6 this. If you come down -- so your current position
7 is chief operating officer at the Secretary of
8 State's office; is that right?

9 A. Yes.

10 Q. And if you come down to the top half of
11 the second page, do you see where it says Voting
12 System Implementation Manager?

13 A. Yeah.

14 Q. And do I understand correctly that was
15 actually a contract position for the Secretary's
16 office, you were not an employee in that time?

17 A. Correct.

18 Q. Who made the decision for you to work as a
19 contractor rather than a state employee for that
20 role?

21 A. It was an internal decision made by
22 essentially the leadership team between the
23 Secretary, the Deputy Secretary, myself, Ryan
24 Germany.

25 Because we were having a difficult time

1 finding anybody to do the actual implementation as
2 a project manager. We had interviewed several
3 engineering firms and other people, and the sales
4 sides were very excited about doing it. But once
5 it got to the law -- legal side, essentially they
6 said reputational risk and litigation potentials
7 were too high to take on the job. We were talking
8 about paying a million dollars for some of those
9 things.

10 So actually, I believe it was Ryan Germany
11 who came up with the idea, it was like, we've been
12 trying to find somebody to do -- you've been
13 essentially running the project of getting it out
14 here, why don't we find somebody to do your C.O.O.
15 duties.

16 So we -- in order to do that, there was
17 two things we had to do. In the project itself,
18 project management is nearly exclusively always
19 paid for out of the project budget. Now, the
20 project budget could not be used to pay for state
21 employees. That's against the rules is my
22 understanding.

23 So what we did was we -- and also, there's
24 only so much budget in the Secretary of State's
25 state dollars in that -- from that fund source for

1 administration.

2 So what we did was I left that position.

3 The money that I would have been paid if I had
4 stayed on as C.O.O. was then redirected to hiring a
5 contractor for a period of time who became an
6 employee as our C.F.O., our controller C.F.O., who
7 is a gentleman named Robert Orange, took over most
8 of the other duties that I had for the C.O.O. side,
9 and then I went over to the voting system
10 implementation manager side.

11 There is one thing in here that is not
12 exactly -- it says November '19 to December '20.
13 There was about a three-week period or a four-week
14 period, I believe, in the months of January and
15 February where I had to come back in for some
16 C.O.O. duties.

17 So I had to come off the contract for a
18 period of time, then come back to the Secretary of
19 State's office to deal with budget items and
20 testify to the State Senate and State House as to
21 constructing our budget, because I was pretty much
22 the only person who could speak to that, and I
23 couldn't do that while I was on the contract. So I
24 had to come off the contract and then go back to
25 that.

1 And again, it was some -- I can't -- I
2 can't give you the exact frames, but it was in
3 January and February. It was about three or four
4 weeks of that period of time.

5 But there was internally the side of that
6 because there's so only so much money for the
7 administration side, and the project management was
8 always going to be paid for out of the project
9 budget. So the only way to do that was for me to
10 go and be a contractor on that front if we were
11 going to do that path.

12 And we essentially ran out of time. It
13 came to about October, and we had to have
14 everything out with the new machines by the middle
15 of February. We had sort of an internal deadline
16 in our head of February 14th or so, which we did
17 actually hit.

18 But it was decided, essentially, we don't
19 have time to train anybody up even if we get the
20 best project manager in the world. We'd been doing
21 this now -- because I had led the team to build the
22 R.F.P. I wasn't on the R.F.P. evaluation team, but
23 I was part of that process of getting it to that
24 point.

25 And Ryan Germany and I had been in the

1 negotiations with the two final bidders, which were
2 ES&S and Dominion, so I kind of knew all the ins
3 and outs of the equipment better than anybody who
4 would run it from the outside. So that's how the
5 decision was essentially made.

6 Q. What were you compensated for that role?

7 A. It was annualized at 200,000 dollars a
8 year. Like I said, I was off for a period of time
9 in the middle of that. So it was 8,333 dollars a
10 pay period.

11 Q. How did that compare to your compensation
12 as C.O.O.?

13 A. Well, it's kind of an apples and oranges
14 thing. Because of the burden for State, who runs
15 that 61.73 percent for every dollar you spend for a
16 salary, it was about 185,000 dollars to employ me
17 for the State. So it was about 200,000 dollars to
18 employ me this way.

19 Now, you realize that, when you're a
20 contractor, the State no longer picks up the other
21 half of social security and Medicare, which I had
22 to take personally. The State's no longer getting
23 me subsidized health insurance, so I had to pick up
24 that side.

25 Essentially, we ran the math, and it was

1 maybe 500 to a thousand dollars more a month was
2 what I was actually going to be able to take home
3 based on all those things.

4 Q. And when you came back as C.O.O., did you
5 come back to the salary you had when you left or
6 did you have a different salary?

7 A. I think it was slightly higher, like 124
8 or something like that.

9 Q. 124,000?

10 A. I believe so, yeah. I can't recall right
11 now. It's been over a year.

12 Q. And so what was it before you became the
13 implementation manager?

14 A. Again, I think it was, like, 115,
15 something like that.

16 Q. All right. Thank you.

17 A. I could be off a little bit one way or the
18 other, but those basic numbers are probably right.

19 Q. All right. And just briefly on your
20 education, your degree is in political science, not
21 computer science; is that right?

22 A. Yes.

23 Q. Okay. Do you have any formal education in
24 computer science?

25 A. Formal education? No, no formal education

1 other than the fact that I'm 51 years old and been
2 in and around computers since I was 12 years old,
3 you know, like anybody born in the early '70s who
4 came up at the time when we started doing those
5 things.

6 Q. I see you worked on the Bush/Quayle
7 campaign in '92.

8 A. Yes, I did. I was 21 years old.

9 Q. I worked on that campaign in South
10 Carolina.

11 All right. You're familiar with an
12 election security expert named Alex Halderman;
13 right?

14 A. I'm aware of him, yes.

15 Q. And you're aware that Dr. Halderman
16 prepared a report that he produced on July 1 of
17 last year involving his assessment of Georgia
18 voting equipment that was provided by Fulton
19 County; is that right?

20 A. I didn't know it was provided by Fulton
21 County. I was aware that there was a report that
22 he did, and I did not know that it was July, but I
23 know that there's a report that was produced.

24 Bear with me a second, because I'm stuck
25 on this exhibit still. I can't figure out how to

1 get off of it.

2 MR. RUSSO: If you just go back to,
3 if you just hit the Zoom -- yeah, there
4 you go.

5 THE WITNESS: Okay. There we go.
6 Sorry. It was just disconcerting looking
7 at this.

8 BY MR. CROSS:

9 Q. Yeah. And so what was your understanding
10 of where he got the equipment that he examined?

11 A. I had no understanding of it. It didn't
12 matter to me.

13 Q. Why didn't it matter where the equipment
14 came from?

15 A. Because it just wasn't anything that I was
16 going to be directly concerned about at the time.
17 In fact, like I said, I don't think I was aware
18 that it was -- existed in July, so I'm not sure --
19 I might have known -- I might have been told it was
20 Fulton, but it just didn't register as something
21 that was necessarily important to know.

22 Q. When did you first learn about
23 Dr. Halderman's July 2021 report?

24 A. I don't know. I knew it existed. I
25 couldn't tell you when I -- when I discovered that.

1 Q. Did you learn about it last year?

2 A. Yes, it would have been last year.

3 Q. Do you know if it was within a month?

4 Within a few months? What's your best estimate of
5 when you learned about it?

6 A. Within a few, more than likely.

7 Q. And how did you learn about it?

8 A. I think just discussions within the office
9 that this existed, or with the -- with the
10 attorneys. I'm not positive.

11 Q. Okay. And have you discussed
12 Dr. Halderman's report with anyone other than
13 litigation counsel?

14 A. Well, it's not a report I've read, so it
15 would be difficult to have a discussion about it.

16 Q. So I was going to ask you that. So still
17 today you've not read Dr. Halderman's report?

18 A. That's correct.

19 Q. Why is that?

20 A. I think that it's lawyers' eyes only, as
21 far as I understand it.

22 Q. It's your understanding that it's still
23 limited only to lawyers?

24 A. I believe. I, honestly, I just, I wait
25 for the lawyers to tell me these kind of things.

1 So yeah, that's my -- last I heard it was lawyers'
2 eyes only. I mean, I know that there was a lot of
3 stuff out in the press around it. I remember being
4 somewhat irritated about that.

5 But yeah, I don't -- I've never seen it.
6 And you know, I mean, I believe Ryan Germany in our
7 office has read it. I believe, you know, the
8 attorneys have read it. But that's my -- that's my
9 understanding.

10 Q. Have you ever asked for permission to read
11 it?

12 A. No.

13 Q. So as the State's implementation manager
14 of the Dominion system, you're not curious what a
15 leading election security expert found about
16 vulnerabilities with that system?

17 A. That's not what I said. What I said --
18 what you asked specifically was whether or not I
19 was going to read the report. I wait for the
20 attorneys to tell me what's available and what's
21 the proper thing to do in these kind of situations
22 with litigation. I lean on the attorneys for those
23 kind of things, not being --

24 Q. Well --

25 A. -- an attorney.

1 Q. Right. But why not ask them if you can
2 read it?

3 A. Because, again, they basically said no
4 need to read it right now. And here's the other
5 thing that I've -- I don't view -- there are many
6 experts out there in the field of security, and
7 they look at things in one particular way, and one
8 particular way only.

9 And I don't find a lot of the things that
10 they have said in the public arena about election
11 systems and vulnerabilities -- because every
12 election system ever devised by man, whether it be
13 electronic or manual, has vulnerabilities.

14 It's a question of how you mitigate those
15 vulnerabilities. And I've seen for the most part
16 discussions around these kind of ignore mitigations
17 for the most part.

18 But that's -- again, I know our
19 mitigations that we use, both physical and just
20 process-wise on a lot of these things. So. And
21 I've heard other elections critics, I couldn't give
22 you names, to say similar things. Because guess
23 what, these are all computers.

24 Any pro -- any computer could be
25 reprogrammed if you had a bad actor. Any

1 hand-marked paper ballot could be double-marked if
2 you had a bad actor.

3 So most of these vulnerabilities I've
4 heard about, generally speaking. I don't know if
5 that's what it says in this report, but as I said,
6 I've generally heard before, it requires bad actors
7 doing bad things.

8 So as long as you have the mitigation in
9 place, this may -- again, both process and
10 personnel-wise, you are -- you can mitigate most
11 vulnerabilities. Because every system in the world
12 has vulnerabilities, especially ones that involve
13 human beings. Because human beings are the
14 biggest, you know, failure point of any system.

15 Q. So I gather no one has told you that Judge
16 Totenberg authorized the Secretary of State's
17 office to review Dr. Halderman's July report and
18 that she authorized that weeks or months ago;
19 nobody told you that?

20 A. No. I was aware that that happened and
21 that Ryan Germany in our office reviewed it.

22 Q. But were -- you're not aware before now
23 that she has not restricted that report to
24 attorneys' access in the Secretary's office; is
25 that right?

1 A. I don't believe I said that. I said we
2 were aware that, you know, that Ryan Germany, he's
3 in our office and he reviewed it.

4 Q. Well, Ryan Germany is a lawyer; right?

5 A. But he's inside of our office.

6 Q. Right. But you testified earlier you had
7 not read it because you understood it was limited
8 to lawyers.

9 A. Early on, yes. Now, you asked me over the
10 whole period of time. I'm not -- it's not relevant
11 to what I'm working on now. I'm the C.O.O. I'm
12 not the voting system implementation manager now.

13 But I also, as I said before, have a basic
14 belief and understanding of what I've seen from
15 most reports like these where, outside of the
16 specifics, that most of them have to involve around
17 bad actors doing bad things, and that's just, that
18 is not rocket science to figure out. It's not any
19 major thing that I've seen.

20 And I'm sure that there are things in
21 every computer system that can be shored up in some
22 way, shape or form. And I'm sure that Dominion,
23 who is the manufacturer of these things, is working
24 on those things. I believe they have access to the
25 report as well now, too.

1 Q. Okay. So is it now your testimony you do
2 understand that the report is no longer limited to
3 lawyers for the Secretary of State's office; is
4 that right?

5 A. That is correct. I didn't say that I -- I
6 said -- I talk to my lawyers and say you need to
7 read it? I'm not worried -- I wasn't really
8 worried about it yet, because it's nothing that I'm
9 directly working on right now in that particular
10 function.

11 Q. Who at the Secretary's office has read the
12 report now?

13 A. As far as I understand it, Ryan Germany.

14 Q. So the Secretary himself has not read it?

15 A. I don't know.

16 Q. Well, you're testifying on behalf of the
17 Secretary's office today as a corporate
18 representative. So I'm asking --

19 A. Yes, I am.

20 Q. I'm asking you as a corporate
21 representative, has the Secretary himself read this
22 report?

23 A. And my answer remains the same, that I
24 don't know.

25 Q. Okay. And how would you find that out?

1 A. I guess I would probably have to call him
2 and ask him. It didn't occur to me to ask him
3 beforehand.

4 Q. And has Jordan Fuchs read the report?

5 A. As I stated, the only person I'm aware of
6 reading the report in our office is Ryan Germany.

7 Q. And so in preparation for today's
8 deposition, you didn't ask anyone in the office
9 other than Mr. Germany whether they had read this
10 report; is that right?

11 A. I didn't ask Mr. Germany. He informed me
12 a couple weeks ago when he read it, I believe. So
13 it wasn't a question of me asking him if he had
14 done it. He said, hey, I read it. I said, oh,
15 okay.

16 Q. So in preparation for today, you didn't
17 ask anyone at all whether they had read it?

18 A. No. I wasn't under the impression I would
19 need to.

20 Q. Okay. Don't you need to understand the
21 specific vulnerabilities identified in the report
22 to be sure that you mitigate them?

23 A. Me personally? I don't think that I would
24 need to, because that's not necessarily my role.
25 Dominion, who is our contractor, we have a contract

1 list to keep up with security protocols, and it
2 calls for them to do those kind of things and
3 mitigate any things they become aware of.

4 Q. Right. Remember, you're testifying today
5 as the Secretary's office, and that includes on
6 election security. So my question to you is --

7 A. And again -- sorry. Go ahead.

8 Q. Yeah. My question is, doesn't the
9 Secretary's office need to understand the specific
10 vulnerabilities in order to make sure they mitigate
11 those vulnerabilities?

12 A. I think we would always look to mitigate
13 any vulnerabilities we become aware of. But it's
14 also the responsibility of the person that we've
15 contracted with to inform us and to make those
16 mitigations necessary. If there seems to be
17 process changes, then they would bring those to us
18 as well.

19 As you understand, this -- these are very
20 complicated things we have to do. We have to go
21 through reprogramming potentially. And if they do
22 have to do changes, it has to go through E.A.C.
23 certification. And then we would probably have to
24 send it through our own certification again if
25 there was any changes that were done.

1 So if those become ripe to a point where
2 we need to do those things, then we would probably
3 become informed and aware of them.

4 Q. And wouldn't it have been important to
5 begin that process in July of 2021 when your office
6 first received this report through its lawyers?

7 A. I don't believe our office received this
8 report for our lawyers. Because at that time, I
9 do -- it is my understanding that Judge Totenberg
10 put it at lawyers' eyes only.

11 Q. So nobody ever told you that Judge
12 Totenberg and the plaintiffs repeatedly asked your
13 lawyers to provide the names of individuals at the
14 Secretary's office who could read this report; you
15 never heard of that before?

16 A. Not that I can recall, no.

17 Q. Does it surprise you that the Secretary's
18 office was in a position to read this report as
19 early as July of 2021 and never once made any
20 request to us or the Court to do so?

21 MR. RUSSO: David, I'm just, I'm
22 going to object on the grounds that it
23 just assumes facts that aren't in the
24 record.

25 BY MR. CROSS:

1 Q. Does that surprise you, sir?

2 A. I don't -- again, I'm not sure that's the
3 case, so I -- I don't know.

4 Q. Okay. So as you sit here today testifying
5 on behalf of the Secretary's office, you can't say
6 one way or the other whether the specific
7 vulnerabilities in Dr. Halderman's report have been
8 mitigated in any way because you don't actually
9 know what they are; right?

10 A. Yeah. I don't know if they exist.

11 MR. BARGER: And David, I mean, I --
12 what topic does that go to? We're getting
13 somewhat outside the scope, I think, of
14 the 30(b)(6) topics.

15 BY MR. CROSS:

16 Q. So Mr. Sterling, you said that bad actors
17 doing bad things. I want to make sure I understand
18 that. What do you mean, what relevance does that
19 have to Dr. Halderman's report?

20 A. I was saying in general I've heard
21 election security experts, Halderman and others.
22 Nearly everything I've read or seen from anybody on
23 that front involves having a bad actor having
24 access to things they shouldn't legally or by rule
25 have access to to do things they shouldn't legally

1 or be allowed to have act -- to do.

2 Now, when you have -- when you have a,
3 like, passwords, you know, pass codes, physical
4 access for periods of time, all those kind of
5 things, there's rules in the S.E.B. about how
6 that's supposed to be handled.

7 So for the most part, like I've seen, it
8 requires people getting things they aren't legally
9 supposed to have access to to begin with. Now,
10 that's the whole point, criminals are criminals, so
11 they would violate the law.

12 But again, I've not seen anything that
13 makes me believe that there's a large path to do
14 some of these things, I mean, especially when it
15 comes to the current system of B.M.D.s given the
16 high volume of those, and the complexities around
17 those considering we have, in June of 2020 we had
18 over 36,000 ballot styles, I mean, it's just -- the
19 possibilities become mind-numbingly low of
20 vulnerabilities that can be hit across a wide array
21 of things to change big outcomes.

22 I mean, the majority of issues that I have
23 seen and understand over the years involve smaller
24 scale items, like ballot stuffing, and usually they
25 involve things like hand-marked paper ballots,

1 which are much more easily reproducible than
2 something onsite of a B.M.D. I know less about
3 D.R.E.s, honestly, but B.M.D.s is what I know more
4 about.

5 Q. And when you say, you mentioned
6 hand-marked paper ballots are more reproducible,
7 what does that mean?

8 A. I mean, if somebody wanted to do something
9 untoward, it would be easier to take a hand-marked
10 paper ballot, or a stack of them and -- or even
11 voted ones and double bubble things so that --
12 throws votes out.

13 That's a much easier thing to do if you
14 have somebody who is a bad actor again, who is
15 inside the -- who's inside the castle walls, for
16 lack of a better word.

17 So that's what I mean by that. I mean,
18 there's vulnerabilities to every system, and
19 that's -- it's frankly easier in many ways to do
20 that with hand-marked paper ballots than it is on a
21 B.M.D. ballot.

22 Q. But you understand that an insider who
23 alters hand-marked paper ballots, it would take
24 hours for them to alter any significant number of
25 hand-marked paper ballots if they wanted to alter,

1 say, thousands to swing an election; whereas, with
2 malware, they could get that on the election system
3 in a matter of minutes in the voting booth with a
4 U.S.B. stick and alter tens of thousands or
5 millions of votes, wouldn't they?

6 A. I mean, that's --

7 MR. RUSSO: Objection to form.

8 THE WITNESS: No, I don't agree with
9 that, actually, honestly, because that's
10 not how the systems are set up.

11 BY MR. CROSS:

12 Q. How so?

13 A. The possibility of getting a single stick
14 into a single B.M.D. and affecting millions of
15 votes is physically impossible.

16 Q. What's the basis for that understanding?

17 A. Because a B.M.D. is a -- is simply a
18 printer. That's all that it does. And it's
19 applied to one printer at a time. So it doesn't --
20 they don't talk to each other in the middle of
21 these things, I mean.

22 And then we have 159 different counties
23 with 30,000 different B.M.D.s. It would require a
24 Herculean effort to go and do that. That's my
25 point, is that it would be physically easier to

1 alter hand-marked paper ballots in large numbers in
2 a back room somewhere than it ever would be to do
3 something to a B.M.D. from everything I've seen of
4 how these things would have to function, especially
5 considering the regulations and testing around
6 them.

7 I mean, you have L & A testing before each
8 and every one. After the last election we had hash
9 testing of several -- in several different counties
10 to make sure there wasn't anything that had been
11 changed.

12 And in the L & A testing, we know we have
13 very robust L & A testing in the fact that it
14 caught a couple of issues in both Douglas and
15 Richmond County on the November election ballot
16 having to do with the United States Senate race.

17 So I do, I disagree vociferously with the
18 idea that somehow it is easier to do. [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Q. [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 A. [REDACTED]

2 [REDACTED]

3 Q. [REDACTED] [REDACTED]

4 A. [REDACTED] [REDACTED]

5 [REDACTED]

6 Q. [REDACTED]

7 [REDACTED]

8 A. [REDACTED]

9 Q. [REDACTED]

10 A. [REDACTED]

11 [REDACTED] [REDACTED]

12 [REDACTED]

13 Q. [REDACTED]

14 A. [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED]

16 Q. [REDACTED]

17 A. [REDACTED] [REDACTED]

18 [REDACTED]

19 Q. [REDACTED]

20 A. [REDACTED] [REDACTED]

21 [REDACTED]

22 [REDACTED] [REDACTED]

23 [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED]

1 Q. Okay. You mentioned L & A testing. Are
2 you aware that multiple election security experts
3 have testified in this case that L & A testing
4 cannot detect malware?

5 A. No.

6 MR. RUSSO: Objection to form.

7 THE WITNESS: No.

8 BY MR. CROSS:

9 Q. You mentioned hash testing. Are you aware
10 that multiple election security experts have
11 testified that hash testing cannot detect malware?

12 A. No. And I -- from what little I do know
13 about computer security from my learning over the
14 last few years, that would be very difficult unless
15 the people were -- it would take a her -- it would
16 take a large effort to do -- to get around hash
17 testing.

18 Because usually, if you change any
19 particular number or letter or anything in code, if
20 you use the proper third-party hash testers, you
21 should -- you should be able to get around them.
22 So I don't know that I agree with that even if your
23 experts say that, because I'm sure there are
24 experts that believe otherwise.

25 Q. Is there any identi -- any cybersecurity

1 expert you can identify today that says that hash
2 testing is a reliable way to determine whether a
3 software has been compromised with malware?

4 A. No. But again, it's not my role
5 necessarily to know that.

6 Q. Okay. Whose role is it at the Secretary
7 of State's office to know that?

8 A. Nobody. It's supposed to -- you're asking
9 me to prove a negative against something else
10 that's said. So I'm not going to dual about that
11 right now.

12 It's, you know, security is always a --
13 one of the highest hallmarks we have right now, and
14 we discuss it weekly internally on how we're
15 dealing with things. And most of that security
16 comes down to physical security, processes and
17 training. So that's, that's how we focus on it.

18 The computer side of it is really going to
19 be our systems managers and then dealing with
20 Dominion. Because again, under our State contract,
21 Dominion has the responsibility to keep their, we
22 called it future proofing when we were negotiating
23 the thing, to inform us of vulnerabilities and also
24 stay ahead of those vulnerabilities if they are
25 identified.

1 Q. Well, throughout this case, including
2 yourself, the Secretary's office typically mentions
3 L & A testing and hash testing when we talk about
4 looking for malware on machines.

5 So my question to you is, who at the
6 Secretary's office is responsible for understanding
7 whether those tests can actually reliably identify
8 malware in voting equipment? Who has that
9 responsibility?

10 MR. RUSSO: Objection to form.

11 THE WITNESS: Essentially, it's the
12 responsibility of the office and the
13 elections division and the people managing
14 the contract with Dominion.

15 We have contractors who have
16 responsibilities who are not necessarily
17 employees of the office for many things
18 across the agency. We -- our C.I.O. is a
19 contractor.

20 We have some -- we have a -- right
21 now I believe it's one cybersecurity. We
22 have an opening as well for another one
23 over our election system that's mainly for
24 our side.

25 We had to look over the voter

1 registration system, because that's
2 something we directly control, versus
3 right now Dominion, they own their
4 software, they -- you know, and we own the
5 equipment and everything, but it's their
6 job to work with us in tandem, because
7 that's what contractors do, to make those
8 things work properly and as safely as
9 possible.

10 (Whereupon, Ms. LaRoss joined the
11 deposition.)

12 BY MR. CROSS:

13 Q. But the only --

14 A. And one other thing I left out, let me
15 finish up the answer, another reason that we know
16 that there was no malware, at least in the 2020
17 election, was we did a hand tally that showed that
18 the machines counted the ballots as they were
19 presented.

20 Q. We'll come back to that.

21 And just so I understand, you think the
22 hand tally that you did in 2020 shows that the
23 machines were not compromised in any way?

24 A. Absolutely.

25 Q. And what's the basis for that belief?

1 A. Because we did a hand tally that showed
2 that the machine count matched the human count. I
3 mean, we were off by point 1053 percent in the
4 overall totals and off by point 0099 percent in the
5 margin between those two things, which is well,
6 well, well below the normal amount of difference
7 you see in a hand count.

8 If I remember, there was a, I want to say
9 it was University of Wisconsin, but I can't recall
10 exactly right now, study that basically says, when
11 you do hand tallies of elections, you usually
12 expect there to be a 1 to 3 percent deviation just
13 because human beings are counting it versus
14 machines.

15 And in this particular case, too, you had
16 for all the hand-marked paper ballots, anything
17 that had questionable marks had to go through human
18 beings again, which they might come to a slightly
19 different conclusion than they did the first time
20 with those particular bipartisan review committees.
21 So that could move part of that as well.

22 But being that close point 1053 percent in
23 the total ballots cast and point 0099 percent in
24 the margin essentially shows me that the machines
25 counted exactly as they were marked and read by

1 those individuals.

2 Secondarily to that, and this will
3 probably go to one of your other questions here, we
4 did work with the Center for Innovation Election
5 Research and the University of Georgia to do
6 studies to look at reviews of ballots, and we saw
7 that, at a minimum, 24 or 25 percent of people were
8 actually taking time to review their ballots.

9 So if there had been anything in the
10 middle of the election, we would have had more
11 people going to their poll workers saying, there's
12 a problem here. And we saw none of that anywhere
13 in the State of Georgia in any county at all.

14 (Whereupon, Mr. McGuire joined the
15 deposition.)

16 BY MR. CROSS:

17 Q. The 24 to 25 percent of voters that are,
18 you said, taking time to review ballots, that was
19 as --

20 A. Yes.

21 Q. -- little as one second, wasn't it?

22 A. Yes.

23 Q. And you think that a voter can reliably
24 review a ballot in only one second?

25 A. I think, if they review over it and

1 they -- I'm sure a lot of them did, they looked at
2 the president and said they were probably fine
3 after that. So. And I -- they have, don't forget,
4 they reviewed it on the screen as well.

5 And again, let's say, law of large
6 numbers, let's say 5 percent of them looked at it
7 for, you're saying some of them went for one
8 second, some of them were a couple of minutes. So
9 if there was some widespread issue, it would have
10 been readily apparent. We would have heard about
11 it. It didn't exist.

12 It's similar to the same way I know we
13 didn't have a lot of people illegally voting for
14 people using their names without their knowledge
15 because -- or using absentee ballots, because we
16 didn't have tens of thousands of people going up
17 saying, I didn't vote, I need you to give me a
18 provisional vote. That didn't happen either.

19 The fact those things didn't happen shows
20 us that the systems were not compromised. That's
21 from -- from our point of view, we're watching
22 those kind of things. Because when you have five
23 million people vote, if we had had 5,000, if we had
24 500, if we had had a hundred -- we had none that
25 I'm aware of where that happened.

1 Q. A voter has no way to know whether the
2 Q.R. code that gets tabulated accurately captures
3 the selections that they made on the B.M.D. or if
4 they're even reflected on the ballot; right?

5 MR. RUSSO: Objection to form.

6 THE WITNESS: They have no way of
7 knowing if the tick marks that they --
8 when they bubble in items is going to be
9 that way in the computer either. I mean,
10 it's --

11 BY MR. CROSS:

12 Q. But they can read --

13 A. It's ridiculous -- it's a ridiculous
14 comparison, because the computer isn't reading
15 anything that's the human readable section of it.
16 The computer is simply reading the points on a page
17 to say X 37 and Y 18 equals this person in the
18 computer. So technically, the voter has no way of
19 knowing that either.

20 Q. Right. But they can read the human
21 readable portion of their ballot and see whether it
22 corresponds to their selections to the extent they
23 recall their selections. They cannot read what
24 actually gets tabulated in the Q.R. code.

25 We're agreed on that; right, sir?

1 A. We're agreed that they can't --

2 MR. RUSSO: Objection to form.

3 THE WITNESS: We agree that they
4 can't know what the tabulation is on a
5 hand-marked paper ballot either.

6 BY MR. CROSS:

7 Q. Okay. So it's your view that using a Q.R.
8 code is no different than voters using hand-marked
9 paper ballots for tabulation purposes?

10 A. It's not no different, because it's
11 obviously physically different. It also has a
12 situation where it is much more likely to have
13 something go wrong on a hand-marked paper ballot
14 where there might be stray marks and accidental
15 bubbling in on the same line. We've seen in the
16 past over-votes and under-votes based on that.

17 So I believe it's actually riskier for
18 voters to use hand-marked paper ballots than it is
19 to use a B.M.D. ballot, yes.

20 Q. Are you familiar with an election security
21 expert named Michael Shamos?

22 A. No.

23 Q. You're not aware the Secretary's office
24 hired him as an expert in this case, offered him up
25 as testimony as an election security expert?

1 A. No.

2 Q. No one ever told you that Michael Shamos
3 testified in the summer of 2019 before the
4 Secretary announced the B.M.D. system that you
5 should not use B.M.D.s with Q.R. codes?

6 A. No. And let's be aware of something here.
7 I mean, the Secretary didn't announce the B.M.D.
8 The State legislature after, you know, several
9 years of review after the S.A.F.E. Commission
10 passed legislation HB 316 to basically mandate the
11 use of a B.M.D.

12 Q. But they did not mandate the use of Q.R.
13 codes, did they, sir?

14 A. They did not.

15 Q. That's a decision that the Secretary's
16 office made in choosing the Dominion system over
17 non-Q.R. code options; correct?

18 A. As I understand it, the two final bidders
19 were both using Q.R. codes. So we really didn't
20 have much of a decision on that.

21 Q. Well, you narrowed down to the final
22 bidders, but there was a bid that came in from a
23 provider that did not use a Q.R. code; correct?

24 A. That was under the Georgia procurement law
25 well out of bounds of an ability to be a person in

1 the final two.

2 Q. Would it have been helpful in making the
3 decision whether to adopt the Dominion system to
4 know that your own election security expert advised
5 against using Q.R. codes?

6 MR. RUSSO: Objection. Form.

7 THE WITNESS: Again, that wouldn't --
8 given the state laws of Georgia, that
9 would not have been able to be a final
10 thing. It wouldn't have been a
11 disqualifier under the way the bid was
12 written and the law was written at the
13 time.

14 ES&S and Dominion were the only two
15 qualified bidders at that point. The
16 third bidder, which was Smartmatic and
17 Clear Ballot, I believe it was Clear
18 Ballot, doing a joint venture were well
19 out of the scope.

20 They had the lowest technicals by
21 far, and they had the highest price by
22 far. So under Georgia procurement laws,
23 they weren't an available bidder anymore.

24 They were not qualified.

25 BY MR. CROSS:

1 Q. So you're saying, even if you'd been aware
2 of Dr. Shamos's testimony, you would have adopted a
3 system that your own election security expert
4 advised against?

5 A. Mr. Cross, I did not say that. What I
6 said is the laws demanded that we have -- we're
7 down to the last two bidders, and the only two
8 bidders that were qualified had a Q.R. code in it.

9 Q. But if you had known going into that
10 process that your own election security expert
11 advised against Q.R. code, then you could have made
12 a deliberate decision to seek bids only from
13 providers that had a non-Q.R. code option; right?

14 MR. RUSSO: Objection to form.

15 THE WITNESS: The decision of one
16 individual, whether they were our expert
17 or somebody else's expert, cannot outweigh
18 the myriad of decisions around how you
19 have to do -- implement a system this size
20 and scope and a unified system in the
21 State of Georgia.

22 It would have been potentially
23 something else to take into account. You
24 could have maybe had some additional
25 points for that. And in fact, for all I

1 know, the -- when they were reviewing it,
2 they might have gotten some additional
3 points for that.

4 But I'm not a -- I'm not aware of
5 that at the time. I couldn't tell you,
6 because I wasn't on the selection
7 committee.

8 But they -- but that's not the only
9 thing that's involved. If I remember
10 correctly, we had something like 30
11 questions with 260 sub-questions. And the
12 way the procurement law of Georgia is
13 written, there is no, like -- you can't go
14 back.

15 You've written it, you've let it out
16 and this is what's going moving forward.
17 And that was written and dropped I want to
18 say in March of 2019 when the -- when the
19 final version of HB 316 passed the State
20 Senate even before the governor's
21 signature, because we were -- did not have
22 the time necessarily to wait any longer on
23 those items.

24 So Q.R. codes have been used in other
25 places. I know they've been taken away in

1 other places. But again, I do not see a
2 large vulnerability, especially
3 considering, like I said, huge percentages
4 of people, or large percentage -- large
5 enough to identify a problem were
6 reviewing their ballots.

7 We also under the S.E.B. rules have
8 an individual, a county employee or
9 temporary worker in front of every scanner
10 saying, have you reviewed your ballot?

11 You know, we cannot mandate human
12 behavior. But having one in four at least
13 look at it, and like I said, even if we
14 took it down to two in a hundred, if there
15 was a widespread issue, it would have been
16 identified. And we had nobody going to a
17 poll worker saying, this is doing the
18 wrong thing.

19 And I can't -- I can't overcome the
20 state law of Georgia on procurements. The
21 law is the law. So again, people have, I
22 think, mischaracterized that the Secretary
23 announced this and the Secretary did that.

24 The Georgia procurement law
25 essentially said, you've got the most

1 points, Dominion, you win, you're getting
2 the contract.

3 And we did a best and final offer to
4 both of them. And in that you cannot
5 change the technicals, as I understand it,
6 but you can only change the pricing.

7 And both of them came down on pricing
8 to try to get ahead of the other person,
9 or stay ahead of the other person, and
10 that's what -- that was worded into the
11 final contract costs.

12 BY MR. CROSS:

13 Q. But the point allocations could have been
14 set up so that you did not award significant points
15 to a provider that offered a Q.R. code option in
16 light of your own election security expert's
17 testimony, you could have done that, you just
18 ignored it; right?

19 A. And Mr. Cross, to answer my earlier
20 statement, one person's opinion does not drive
21 procurement laws or rules in the state. There's
22 only 750 points to allocate, and we had many, many
23 different areas to cover.

24 So that could have been something that
25 would have -- again, there were two things that

1 happened here. ES&S was slightly ahead of Dominion
2 in the technicals.

3 The Smartmatic and Clear Ballot was, I
4 can't remember, but they were literally hundreds
5 of -- I think they were hundreds of points behind.
6 If we had added a hundred points to them for having
7 that, they probably wouldn't have made it,
8 honestly.

9 Because their technicals and their other
10 things, ease of set-up, reliability, many -- I
11 mean, there were so many things in the scope of
12 this, it was -- and Smartmatic and Clear Ballot
13 were just, they weren't -- they weren't in the
14 running.

15 Q. All right. Mr. Sterling, I need you to
16 answer the questions I ask you and try to avoid the
17 long speeches, if you would, because we're on a
18 clock.

19 MR. BARGER: And David, I think these
20 are outside the scope of the topics to
21 begin with, so that might help move us
22 along.

23 MR. CROSS: Okay. Well, good luck
24 making that argument.

25 BY MR. CROSS:

1 Q. Mr. Sterling, are you familiar with the
2 S.A.F.E. Commission?

3 A. Yes.

4 Q. The S.A.F.E. Commission was set up by the
5 Secretary's office to help make the decision on the
6 next system that would replace the D.R.E.s; right?

7 A. Correct. It was the previous
8 administration under now-Governor Kemp,
9 then-Secretary Kemp.

10 Q. And the only cybersecurity expert who
11 served on that commission who was hand chosen by
12 then-Secretary Kemp was a man named Dr. Wenke Lee.
13 Are you familiar with that?

14 A. Yes.

15 Q. Are you aware that Dr. Lee very vocally
16 objected to using B.M.D.s as the new system?

17 A. Yes.

18 Q. So you keep saying there was -- one
19 person's opinion can't change the outcome of -- or
20 the decision-making or the process, but we're not
21 talking about one person. There were two election
22 security experts the State brought in, one in the
23 S.A.F.E. Commission, one in this case. Both
24 advised against the system you adopted, and yet you
25 adopted it anyway.

1 Those are the facts, are they not, sir?

2 A. They are not. I did not adopt it. The
3 state legislature adopted it, Mr. Cross. The
4 Secretary of State's office didn't adopt it. We
5 supported it, but it was the state legislature who
6 adopted it. And then, following Georgia
7 procurement law, we procured a system following the
8 law.

9 Q. Are you familiar with an election security
10 expert named Dr. Juan Gilbert?

11 A. The name, but I don't know much about him,
12 no.

13 Q. Are you aware that he is another election
14 security expert the Secretary's office has brought
15 to testify into this case?

16 A. That might be why I'm aware of his name.

17 Q. Are you aware that Dr. Gilbert testified
18 under oath that he wanted -- if he wanted to have a
19 cybersecurity assessment done of voting
20 equipment --

21 MR. RUSSO: Objection to form.

22 BY MR. CROSS:

23 Q. -- Dr. Halderman and Dr. Andrew Appel are
24 the two experts he would ask to do that? Have you
25 heard that before?

1 A. I apologize. My learned counsel objected
2 in the middle of your question. Can you repeat the
3 question for me, please?

4 Q. Sure. Sorry. Let me do that again.

5 Are you aware that Dr. Gilbert, the
6 elect -- the Secretary's own election security
7 expert testified that, if you wanted to have a
8 cybersecurity assessment done of voting equipment,
9 there are two experts he would ask to do that,
10 Dr. Alex Halderman and Dr. Andrew Appel?

11 Had you heard that before?

12 A. No. But I do want to ask a question.
13 When you say "voting equipment," to what is he
14 and/or you referring to?

15 Q. Cybersecurity assessment of voting
16 equipment just like that used in Georgia.

17 A. Well, when you say "equipment," there's
18 lots of different pieces. Every single piece of
19 equipment we're talking about or, I mean, what
20 specifically was he referring to or do you know?

21 Q. The voting machines, like, the B.M.D.s.

22 A. Okay. Then no, I'm still not aware of
23 that, no.

24 Q. But you publicly said that Dr. Halderman's
25 report looking at the Fulton County equipment were,

1 in your words, a "load of crap." Right?

2 A. Yes.

3 Q. And do you still believe that?

4 A. From what I understand of it, again, I
5 haven't read the report, but what I've seen of
6 Dr. Halderman -- and this is the situation in many
7 people, and I said earlier on, if you're looking at
8 any system that has a computer in it from a solely
9 one position, not usability, not functionality, not
10 the ability to get the actual job done, but
11 security, security, security, we'd get the most
12 secure system in the world that no human being
13 could run or you could have the easiest system in
14 the world that was open to every cyber thing in the
15 world, it's always going to be a balancing act in
16 those things.

17 And I think it's important to have people
18 who are viewing it from one thing, and one thing
19 only, like the cybersecurity side. But they are
20 not the controlling factor in all things.

21 The same way I wouldn't have, you know,
22 somebody who was a voting advocate say you can't
23 have voter registration, you can't have voter ID,
24 you can't have all those things, because that's
25 what they want to make it easy to vote.

1 So when you look at it from a single
2 prism, yes, there's -- you're going to -- you're
3 going to find more identifiable issues potentially
4 because it's what you are trained to go after.

5 But it all has to be balanced out to it be
6 usable, follow the law, and so have voters be able
7 to function in it and have counties and the county
8 workers be able to use it.

9 Q. So what's the basis for your public claim
10 that Dr. Halderman's report is a load of crap when
11 you, yourself, have not read it and are not
12 familiar with it?

13 A. Because what I said, as I've said
14 previously, I've seen the cyber experts before, and
15 they nearly always have to do with bad actors. And
16 what I mean by "load of crap" is that the
17 vulnerabilities that exist potentially from
18 whatever report they do are the same for any system
19 in the world that uses a computer.

20 And therefore, if the -- if your way to
21 mitigate that is to stop using computers
22 altogether, it's not a reasonable thing to do. If
23 the -- and it's the same way it's not reasonable to
24 say you can't have voter registration, you can't
25 have signature matching, you can't have voter ID on

1 the other side, you want to have security that way.

2 That's what I mean by it's a load of crap,

3 because it's not unique to any particular system.

4 It would be the same for nearly every system.

5 Would the vulnerabilities be slightly different

6 because of the configurations of any particular

7 system? Of course they would.

8 But overall, we have mitigations, we have

9 policies and we have procedures that would mitigate

10 most things that I was already aware of. And if

11 there's something else that has to happen, then

12 under a State contract Dominion would have to take

13 steps to mitigate many of these things.

14 And I've seen no real evidence yet of

15 anybody making a claim anything has actually

16 happened. And there's always, like I said, in any

17 system there's going to be vulnerabilities, but you

18 have to have training and you have to have policies

19 and procedures and, you know, testing where you can

20 that can mitigate those items.

21 And I just -- I know you asked me not to

22 go into long speeches, but I'm trying to answer

23 your question as best I can.

24 I was asked that question in a public

25 forum by a Democrat from my home town, and at that

1 point I was kind of irritated because I believe
2 some of these cyber experts, you know, yes, guess
3 what, there -- every computer in the world can be
4 reprogrammed to do something just about. That's
5 what they're pro -- that's what they're there for.

6 I mean, the Dominion machines, the touch
7 screens started out life as a point of sale thing
8 inside restaurants. That's what they started off
9 as. A printer is just a printer.

10 I mean, so when I say it was a load of
11 crap, it was my fast and relatively punchy way of
12 answering it in a public forum. If I was sitting
13 down doing a longer testimony talking about it, I
14 would give more context like I just have here.

15 Q. Is it your view that the vulnerabilities
16 Dr. Halderman has identified are not a
17 significant -- are not a significant concern
18 because there are measures that prevent what you
19 call bad actors from doing bad things with the
20 system?

21 A. I can't speak directly to the report or
22 the vulnerabilities because, again, as you pointed
23 out, I haven't read the report yet, as I said
24 earlier. So I don't know honestly or not, or if
25 they're the same kind of things that were

1 identified in the earlier review by the E.A.C. I
2 mean, they could be similar. I don't know.

3 Q. But isn't it important for the Secretary's
4 office to figure that out, whether the
5 vulnerabilities Dr. Halderman has identified,
6 whether they can't -- cannot be exploited because
7 there are mechanisms in place to prevent that?

8 Shouldn't the Secretary's office know
9 that?

10 A. At the end of the day, working with
11 Dominion I believe that we will. Of course,
12 litigation tends to complicate things and make
13 things more difficult for us to actually do our
14 jobs in many ways.

15 And I would like to -- at the end of the
16 day, after all this is done, we always focus on
17 security. We will always work with our partner to
18 be as secure as we can and have as an up-to-date a
19 system as we can.

20 But I can't speak directly to
21 Dr. Halderman's report as I have not read it yet.
22 And you pointed out, Mr. Germany in our office has,
23 but I'm not aware of anybody else that has yet.

24 Q. You said litigation complicates things.
25 But the only reason that there is a forensic

1 assessment of the Dominion voting equipment used in
2 Georgia is because of this lawsuit, because
3 Dr. Halderman did it; right?

4 A. And I believe Dr. Halderman went to
5 Dominion and asked to be put on retainer to do
6 other things as well to get some more money into
7 his own pocket. So I don't know what the driving
8 factor is behind some of these things.

9 Q. Please tell me where in the world you
10 heard that.

11 A. From Dominion's employees.

12 Q. You -- you're sitting here telling me you
13 believe that Dominion -- sorry. Let me -- let me
14 make sure I get this right.

15 You believe that Dr. Halderman went to
16 Dominion and asked to be put on retainer; is that
17 right?

18 A. Or to review this thing directly at some
19 cost, yes, to pay -- to pay for the work that he
20 had already done, yes.

21 Q. And tell me exactly who told you that.

22 A. I believe it was John Poulos, the C.E.O.
23 of Dominion.

24 Q. Okay. Sir, you've been lied to. And
25 there's documentation that'll show it. And people

1 are going to be pretty embarrassed at the end of
2 the day on that.

3 When did that conversation take place?

4 A. I don't know. I really couldn't tell you.
5 Sometime in the last month or two.

6 Q. So sometime in the last month or two, John
7 Poulos told you that Dr. Halderman came to him and
8 asked to be a retained expert?

9 A. I didn't say that. What I said was he
10 said that he asked to be paid --

11 Q. (Inaudible due to cross-talk).

12 A. -- something along -- based on this
13 report. I didn't say retained. If I said
14 retained, that was me using a colloquialism.

15 Q. Okay. All right. Well, let's just make
16 sure. You're saying that John Poulos told you
17 sometime in the last month or so that Dr. Halderman
18 came to Dominion and said he wanted to be paid for
19 work he had already done with respect to this
20 system; is that right?

21 A. Something along those lines, yes.

22 Q. Would it surprise you to learn that
23 Dominion actually reached out affirmatively on its
24 own and said that they wanted to hire Dr. Halderman
25 because they wanted to address the vulnerabilities

1 in his report?

2 MR. RUSSO: Objection. Form.

3 THE WITNESS: No. And it could have
4 been the way it was discussed that would
5 be my interpretation of it. So no, it
6 wouldn't surprise me necessarily. Because
7 like I said, it is Dominion's
8 responsibility under our state contract to
9 mitigate any potential via --
10 vulnerabilities.

11 BY MR. CROSS:

12 Q. That's a very different set of
13 circumstances than Dr. Halderman coming to Dominion
14 and saying he wants to get paid for work he's
15 already done; right?

16 A. It would be. However, if he's saying get
17 paid for the work he did inside of a lawsuit coming
18 after us, you can see the level of frustration
19 potentially from everybody's side on this.

20 But I hear what you're saying.

21 Q. Have you seen a draft engagement letter
22 between --

23 A. No.

24 Q. -- the two?

25 A. No.

1 Q. Maybe you should talk to Mr. Poulos about
2 that.

3 All right. To come back to this issue of
4 bad actors, are you aware that one of the positions
5 that the State has taken in our case, including
6 through their experts, is that hand-marked paper
7 ballots present a serious security challenge
8 because of what the State calls insiders that can
9 manipulate those ballots?

10 A. Not specifically. But in general, I'm
11 aware of that, yes.

12 Q. So doesn't the same concern apply to the
13 B.M.D.s, that if you cannot trust your election
14 workers and others who have access to the ballots,
15 don't you have the same concern for those same
16 people when they have access to B.M.D.s?

17 A. I think the same concerns would go in all
18 directions. And I think it's -- functionally
19 requires less technical know-how to spoil or do
20 multiple hand-marked paper ballots than it would to
21 work on a B.M.D., and essentially, especially since
22 B.M.D.s are used in two particular locations.

23 They are used for early voting in advance
24 and in-person voting where there would be a lot
25 more individuals around outside of the bad actors.

1 Hand-marked paper ballots taken into a back room
2 could be produced in a much more, you know, ready
3 way than what's done in a scanner on the day of.

4 So yeah, I see what you're saying. But
5 again, it's sort of apples and oranges because of
6 the use and deployment of the two systems.

7 Q. Are seals on the B.M.D.s, is that one of
8 the security measures that you have in mind to
9 prevent exploitation of vulnerabilities?

10 A. Yes.

11 Q. And --

12 A. That's one of them.

13 Q. Would it be appropriate to use B.M.D.s in
14 an election if the election workers, when they
15 pulled out the B.M.D.s to use them, say, found that
16 the seals were missing or broken?

17 A. It depends, honestly. If the way they
18 were stored they were broken sitting there because
19 of the way they stored them -- I'm not going to try
20 to answer a hypothetical like that because it's
21 just too broad.

22 Q. Well, what is -- what is the -- well, I
23 guess I'll ask a different question.

24 Does the Secretary have guidance for the
25 counties, a written policy that says, if you

1 discover B.M.D.s that have broken or missing seals,
2 here are the specific steps you should take to
3 determine whether to use those in an election?
4 Does that exist?

5 A. I don't know if it's a specific of if it's
6 broken do this, but I think that's to say you have
7 to record those seals on the -- those -- the
8 close-out forms that you have. So I don't think
9 it's a specific thing other than I think -- and
10 again, this is me -- I don't want to speculate.

11 But in seeing some of the training,
12 basically, if you see something that's broken or
13 not correct or the numbers are off, you report it
14 to the higher-ups eventually.

15 And again, the counties are running these
16 elections. They don't come back to the State and
17 do a lot of these things except on the final forms
18 they were turning in is my understanding.

19 Q. You mentioned that the hand tally
20 validated that the machines were not compromised in
21 the 2020 election. But the hand tally was only
22 done on the presidential election; right?

23 A. That's correct.

24 Q. So there's no hand tally that validates
25 that there was no compromise for down ballot

1 elections, like the Senate election; correct?

2 A. That's correct.

3 Q. Were you aware --

4 A. At the same time, there's no evidence that
5 anything -- if you look at -- you saw my degree's
6 in political science. Nothing that we saw looked
7 untoward or out of place and looked relatively
8 normal in the scheme of how the State has been
9 going for the last few years.

10 So I didn't -- there's no need -- belief
11 on my side that anything was compromised. And
12 because the presidential race was the highest
13 profile one that was so close, I have no reason to
14 believe that the rest of the ballot wasn't correct.
15 But you're right, we have not done a hand tally on
16 every other thing as well.

17 Q. Are you aware that, [REDACTED]

18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 Had you heard that before?

24 A. The specifics of what you just laid out,
25 not exactly. But I knew there was some period of



1 time he was able to do that, yes.

2 Q. And did the Secretary's office take any
3 specific steps to protect against that
4 vulnerability in the 2020 or subsequent elections?

5 A. Well, in September we were probably -- we
6 were getting ready for early voting. We, again, we
7 did the L & A testing.

8 We can't go through, since I don't even
9 know if we were aware of what he's claiming to be
10 hacked or having done it -- because I don't know
11 that our side got to see what his full claim was or
12 even the path by which he did it. I just, I'm not
13 aware if we have that information or not. So it's
14 hard to mitigate against something if you don't
15 have the details of it, A.

16 And B, we have no reason to believe that
17 that occurred. And having somebody have access for
18 three days would kind of be noticed in most
19 situations in most of our counties, especially as
20 we were doing the run-up to get to. We were
21 already involved at that point in the absentee
22 ballot processing. So it would -- we were in
23 election mode then.

24 So the -- we did not do anything specific
25 because there wasn't anything specific that we were

1 aware of that had been verified in any way, shape
2 or form to mitigate.

3 Q. You said --

4 A. Similar to when Jovan Pulitzer went on in
5 a State Senate thing and said he had hacked a poll
6 pad. We had no evidence of that. Well, what did
7 you do to fix this? We have no evidence of it.

8 Q. Well, there's a big difference here, which
9 is the Court required Dr. Halderman to have a video
10 recording of everything he did with the Fulton
11 County equipment, and your counsel received hours
12 and hours of video so they could see step by step
13 what he was doing.

14 Were you aware of that?

15 A. I'm aware that they had access to
16 something along those lines, yes. But again, as
17 you pointed out, it took him, a cybersecurity
18 expert, three days to do this. And with the
19 handling of our equipment, they are locked -- in
20 most counties they are locked in a specific room.

21 And it's one B.M.D. you're talking about.
22 I mean, with the 18,000 ballot styles, you'd have
23 to go through and figure that out which ones you
24 were at -- or it's just, it's monumentally complex.

25 Doing it to one machine is one thing.

1 Doing it to 30 some odd thousand of them is
2 something different, especially considering you
3 have -- there's different paths and different
4 passwords and different pass codes for all of those
5 things.

6 Q. So just so we're clear, there are no
7 specific steps that you can identify the
8 Secretary's office took to mitigate against the
9 hack that Dr. Halderman demonstrated in September
10 of 2020, there's nothing specific to that; right?

11 A. Nothing specific to that because we
12 already have equipment handling rules around those
13 things that, if a B.M.D. went missing for three
14 days, it would normally, from my point of view,
15 have been noted by the elections director in
16 whatever county that occurred.

17 Q. But again, but as you pointed out before,
18 we have to worry about insiders, degrees in the
19 State that said they don't want to use hand-marked
20 paper ballots as the primary means of voting.

21 You wouldn't notice if an insider who
22 already has authorized access to a B.M.D. did
23 something to it; right?

24 A. I believe you're twisting my words. My
25 point was, in any system an insider can cause

1 problems, period. We have no reason to believe
2 that there are negative insiders that exist in any
3 of our counties right now. But of course, if there
4 are bad guys, they may not want you to know that.

5 But again, we've seen no -- there's
6 nothing indicating that anywhere that we've seen in
7 my three years in the office.

8 Q. So then we need not worry about insiders
9 engaging in bad acts as a reason not to adopt
10 hand-marked paper ballots, we're agreed on that;
11 right, sir?

12 A. No. What I said was it's easier if there
13 is somebody to do it that way than the other way.
14 I believe this is a safe -- is a high -- B.M.D.s
15 are safer and better for the voters and also have a
16 level -- added level of security that is more
17 difficult to do things along the lines of hacking
18 thousands and thousands of B.M.D.s versus having
19 stacks of ballots you go through and mark or you
20 have stacks of ballots that are voted and double --
21 basically cancelling out votes by putting multiple
22 marks into a single line.

23 All of them have vulnerabilities. You
24 have to have systems in place to try to mitigate
25 them regardless.

1 Q. Were you aware that, up until last month,
2 the Secretary's office repeatedly had argued to the
3 Court that Dr. Halderman's July 2021 report should
4 be sealed?

5 MR. RUSSO: Objection to form.

6 THE WITNESS: I don't know if I would
7 characterize it quite that way. What we
8 didn't necessarily want in a general rule
9 is, if there are vulnerabilities, we don't
10 want it out in the wild, basically.
11 Because you don't want anyone, like, hey,
12 everybody look at the potential
13 vulnerabilities here.

14 That was, from my point of view, kind
15 of the position that was being taken. And
16 I know that we ended up changing -- or
17 saying, you know, this time release the
18 thing. And I believe the Secretary did a
19 press release to that effect.

20 BY MR. CROSS:

21 Q. Were you aware that we provided a redacted
22 version of Dr. Halderman's report in November of
23 last year?

24 A. To whom?

25 Q. To your lawyers.

1 A. Yeah, I believe so.

2 Q. And are you aware that, even after we
3 provided the redacted version of that report in
4 December at a hearing, your lawyers still argued
5 that even that version of the report should be
6 sealed; were you aware of that?

7 MR. RUSSO: Objection to form.

8 THE WITNESS: I believe so, yeah. If
9 you state that, I believe that to be true.

10 BY MR. CROSS:

11 Q. Why did the Secretary's office reverse
12 position, after arguing for many months that the
13 report should be sealed, suddenly last month demand
14 that the report become public?

15 MR. RUSSO: Objection to form.

16 THE WITNESS: I wasn't really in
17 those conversations. I just knew that it
18 was decided that it was time. We've
19 reached a point where it's probably -- you
20 know, I think part of it was there were so
21 many press reports around it based on, I
22 guess, the August summary that the having
23 it as lawyers' eyes only was essentially
24 moot almost at that point because there
25 was so much discussion around it based on

1 what had been released in that other
2 report, which I'm not sure ought to have
3 been released either.

4 But I think it reached that point it
5 was like, well, we've got to be able to
6 discuss this thing, so let's do it that
7 way. I believe that's kind of where they
8 came -- the lawyers and our team came
9 down.

10 BY MR. CROSS:

11 Q. You did not participate in those
12 discussions; is that right?

13 A. I was informed of them kind of after the
14 fact. I wasn't -- I wasn't really much involved in
15 those discussions directly.

16 Q. So if you wanted to know exactly what was
17 discussed and decided, who would you ask?

18 A. Probably Ryan Germany.

19 Mr. Cross, can -- it's about 10:15.

20 Q. Okay.

21 A. Can we take a quick break? I have to use
22 the head real quick. I -- thank you.

23 Q. Sure.

24 THE VIDEOGRAPHER: Going off the
25 record 10:16.

1 (Whereupon, a discussion ensued
2 off the record.)

3 (Whereupon, there was a brief
4 recess.)

5 THE VIDEOGRAPHER: All right. We're
6 back on the record at 10:24.

7 (Whereupon, Plaintiff's
8 Exhibit 3 was marked for
9 identification.)

10 BY MR. CROSS:

11 Q. Mr. Sterling, grab Exhibit 3, please, if
12 you would.

13 A. Okay. Which page would you like to focus
14 on?

15 Q. Well, we're going to look at a number of
16 pages. But do you have Exhibit 3 in front of you?

17 A. Yes, I do.

18 Q. And do you recognize this as portions of
19 Secretary Raffensperger's book called Integrity
20 Counts?

21 A. I read it once a while back, so I'm a --
22 this looks like it, yes.

23 Q. Did you assist at all in preparing this
24 book?

25 A. In some specific parts, yeah.

1 Q. How so?

2 A. I was asked for specifics on certain -- I
3 couldn't tell you exactly. I mean, what happened
4 on this date, I believe that kind of thing. It was
5 sort of in a general way.

6 Q. Did you write any portions of it or --

7 A. No.

8 Q. -- or edit?

9 A. I'm not that good. No, I did not write
10 any portion of it.

11 Q. Okay. But you read drafts of excerpts
12 before it went out, and your views were requested;
13 is that generally right?

14 A. My views were not requested, no. It was
15 more about specifics of, you know, act -- questions
16 of fact on those kind of things, making sure that
17 those were more properly vetted.

18 Q. Okay. All right. So if you go down to
19 the bottom of each sort of P.D.F. page, you'll see
20 that there is a book page, we'll say, like, Page X
21 of 240.

22 A. Uh-huh.

23 Q. Scroll down to where it says Page 46 of
24 240, please.

25 A. Okay.

1 Q. Just let me know when you've got it.

2 A. I'm there.

3 Q. Okay.

4 A. If you want me to read it real quick or...

5 Q. Well, for -- I want to make sure to give
6 you context. So if you start at Page 45 of 240 --

7 A. Oh. Okay.

8 Q. -- look at the bottom of the left-hand
9 column. Do you see that Mr. Raffensperger writes:

10 "Every politician has a stump
11 speech, and mine went something like
12 this"?

13 And then what follows in italics is --

14 A. Yes.

15 Q. -- the stump speech for Mr. Raffensperger?

16 If you come to the top of Page 46 of 240,
17 you see here he writes that in a stump speech he
18 said:

19 "As we change over to new voting
20 machines, Georgia has a once in a
21 lifetime opportunity to create a
22 process that is objectively fair and
23 yields an outcome that Georgians,
24 individually and as a whole,
25 subjectively trust."

1 Do you see that?

2 A. Yes.

3 Q. And do you agree with that assessment?

4 A. Yes.

5 Q. And why is it important for Georgians
6 individually to subjectively trust the voting
7 machines and the election process in Georgia?

8 A. It's important for Georgians and every
9 American to have an implicit trust in the election
10 system to pick our leaders. If you erode that
11 trust, then the elections and the faith in
12 elections falls apart.

13 Q. Why is that?

14 A. If you can't trust the outcomes of
15 elections, then what's the point of elections?

16 Q. All right. Come down to the next page, 47
17 of 240.

18 A. Uh-huh.

19 Q. And do you see at the bottom of the
20 left-hand column he refers to an op ed that he
21 wrote?

22 A. Yes.

23 Q. And then portions of that op ed are in
24 italics on Page 47. Do you see that?

25 A. Yes, sir.

1 Q. And if you come to the right-hand column,
2 do you see the paragraph that begins:

3 "It is through voting that we
4 actually live the proposition that we
5 are all equal"?

6 Do you see that?

7 A. Yes.

8 Q. And here Secretary Raffensperger wrote:

9 "Every registered voter gets one
10 vote. Bill Gates gets one vote. The
11 19-year-old college student gets one
12 vote. And thus we reaffirm, as
13 regularly and as often as every
14 election season, the idea that makes
15 us one. We are all equal before the
16 law. We all count. We all have a
17 voice."

18 Do you see that?

19 A. Yes.

20 Q. And do you agree with that assessment?

21 A. Yes.

22 Q. And what -- why is it important for an
23 individual voter's voice to be heard in an
24 election, as Secretary Raffensperger describes
25 here?

1 A. Because it's the foundational section of
2 our democratic republic.

3 Q. Okay. And then if you come to the next
4 paragraph, he wrote:

5 "My view is that this election is
6 about using this unique and historic
7 opportunity to create a voting system
8 that is modern, efficient, accurate,
9 secure, safe, verifiable, fair,
10 accessible and trustworthy."

11 Do you see that?

12 A. Yes.

13 Q. And do you agree with him on that?

14 A. Yes.

15 Q. Just to go back briefly to a subject we
16 talked about earlier, the hand tally that was done
17 with the presidential election in 2020, there was
18 no effort made to determine whether the Q.R. code
19 on any individual ballot actually corresponded to
20 the human readable portion of that ballot.

21 Do I understand that right?

22 A. Restate the question for me, please.

23 Q. Sure. In the hand tally that you referred
24 to in November of 2020, there was no effort in that
25 hand tally to determine whether the Q.R. code on

1 any given ballot would be tabulated in the same way
2 as the human readable portion indicated the
3 selections were on that ballot; right?

4 A. On individual ballots, no. A whole point
5 of a hand tally in that posture is to get to an
6 aggregate to show that the machines counted them as
7 the ballots were marked. And that's what that
8 tally showed.

9 Q. Well, then let's be clear. I want to make
10 sure we're talking about the same thing. You
11 said --

12 A. Okay.

13 Q. -- that the hand tally showed that the
14 ballots were tabulated as they were marked, but
15 that's, I think you said that's at an aggregate
16 level; right?

17 A. Yes. It's not on individual ballots, no.
18 They did not go to say individual ballot 17A
19 matches up. However, in hand counting five million
20 of them and coming at a point 1053 percent on the
21 totals and point 0099 percent on the margin showed
22 that there's no indication that a Q.R. code did not
23 match the human readable portion.

24 Q. But you didn't test that? No one at the
25 Secretary's office or the counties tested that;

1 right?

2 A. Not to my knowledge. Because in the
3 aggregate it showed what the outcome was.

4 Q. Well, you understand that malware could
5 alter Q.R. codes so that they don't match the human
6 readable selection, that those could wash out in
7 opposite directions over the course of five million
8 votes; right?

9 MR. RUSSO: Objection to form.

10 THE WITNESS: I understand that
11 that's a claim that could be made, yes.

12 BY MR. CROSS:

13 Q. And the individual voters who had their
14 ballots altered in that way, assuming that
15 happened, and I'm not suggesting it did, but just
16 so we understand the vulnerability, if something
17 like that were to happen, those individual voters
18 would have lost their vote even though the election
19 outcome might be right; right?

20 MR. RUSSO: Objection. Form.

21 THE WITNESS: I'm -- you're -- this
22 is at a level of convoluted to where I'm
23 trying to follow it here. Are you saying
24 the malware -- walk me through your logic
25 train on this, because I'm not quite

1 following it. I apologize.

2 (Whereupon, Mr. Stark entered the
3 deposition.)

4 BY MR. CROSS:

5 Q. Yeah. So let's say that you had a -- you
6 had a situation where malware changed the Q.R. code
7 on a ballot for some small number of ballots so
8 that the Q.R. code tabulated differently than the
9 human readable portion.

10 That's where we are so far. Do you
11 understand that?

12 A. I'm getting what you're saying on that.
13 But then you also said it did it the opposite side,
14 so it was a wash. So again, the outcomes -- if the
15 outcomes remain the same, again, this is where I'm
16 kind of getting lost on --

17 Q. Got it.

18 A. -- the individual voter losing their vote,
19 because the outcome is the outcome. Because if
20 they washed, it was evenly matched, that'd be some
21 super smart malware, because they don't talk to
22 each other and no one know how many people are
23 going to be voting on a B.M.D.

24 So the logic train on this requires a lot
25 of logical leaps to get to that point. Could it

1 happen in any -- in any kind of way? I don't
2 believe it could. But technically, I guess if you
3 somehow managed to do many, many things in the
4 smartest possible way and make it undetectable, I
5 suppose you could.

6 But again, the real world in which we
7 counted those ballots, the aggregate showed that it
8 was the same. So I just can't accept the
9 supposition that somehow malware got in and did a
10 complete wash. Because again, what would be the
11 point of it, then?

12 Q. Yeah. And just to be clear, I'm not -- we
13 are not suggesting in any way that there was
14 malware that manipulated the results in the
15 November 2020 presidential election.

16 A. Okay.

17 Q. I'm just, I'm talking about how
18 vulnerabilities could work. And I want to make
19 sure we're -- we understand what we're talking
20 about. So let me ask it this way.

21 Let's say hypothetically that there was
22 malware on a single B.M.D. that changed the Q.R.
23 code -- that changed the Q.R. code on only a
24 handful of ballots.

25 Okay?

1 A. Okay.

2 Q. A small number, not enough to swing the
3 election outcome, and not even enough to be
4 captured in a -- in an audit.

5 Would you agree with me that the
6 individual voters who were affected by that on
7 their ballots, even though the outcome is the same
8 as it otherwise would be, if those individual
9 voters did not have their votes counted as
10 intended, we're agreed on that count?

11 MR. RUSSO: Objection to form.

12 THE WITNESS: In this narrow
13 definition that you have laid out of
14 things that there is no proof of, again,
15 with what you have laid out, obviously
16 those individuals who were affected by
17 something like that that no one has seen
18 exist, yes, those votes or one of their
19 votes or some parts of their votes would
20 have been undercut.

21 By the same token, when somebody
22 double votes in a system when -- even
23 though we have guardrails up, that
24 undermines somebody's vote. In every
25 election there's always going to be some

1 issues around those kind of things where
2 people have their votes, you know, hit
3 unfortunately. But you try to do
4 everything you can to avoid that.

5 BY MR. CROSS:

6 Q. And again, I'm not suggesting this has
7 happened. I'm talking about protecting against a
8 vulnerability where something could happen in the
9 future.

10 And what I'm trying to get at is, do you
11 agree that what matters to voters isn't just the
12 outcome of the election but also that their
13 individual vote counts, that what Secretary
14 Raffensperger refers to as their voice, their voice
15 is heard on their ballot?

16 A. Both count.

17 Q. All right. Turn to -- all right. Turn to
18 where it says Page 52 of 240.

19 A. I'm there.

20 Q. And if you come down to the bottom, do you
21 see here Secretary Raffensperger writes, at the
22 bottom of the left-hand column, he's referring to
23 the new system -- do you see where he refers to,
24 "however, a ballot marking device with a verifiable
25 paper ballot"?

1 Do you see that?

2 A. One moment. "However" -- yeah, I'm there.

3 I got you.

4 Q. Okay. And then if you come down a little
5 further, I think it's six lines from the bottom,
6 you see the sentence that begins in the middle,
7 "the resulting printed paper ballot"?

8 A. Yes.

9 Q. And here Secretary Raffensperger wrote:

10 "The resulting printed paper
11 ballot is then counted using a digital
12 scanner and a tabulator. This printed
13 paper ballot, which is the official
14 ballot, is then fed through a scanner
15 into a locked ballot box so that all
16 originals are saved for auditing and
17 recounts.

18 "Additionally, the voter has the
19 ability to proofread the ballot before
20 it is scanned and have it voided and
21 start over if there is an error."

22 Do you see that?

23 A. Yes.

24 Q. And on this last point, the only error
25 that a voter could catch on a ballot is in the

1 human readable portion of the ballot, not in the
2 Q.R. code; right?

3 MR. RUSSO: Objection to form.

4 THE WITNESS: Yes. But it's the
5 same -- again, as I pointed out earlier,
6 the same could be said for a hand-marked
7 paper ballot, they have no way of
8 necessarily knowing that, how it's going
9 to be scanned, the same thing in the Q.R.
10 code.

11 BY MR. CROSS:

12 Q. Right. But they would know that, on a
13 hand-marked paper ballot, when they fill it out,
14 and if they review it after they do so, that at
15 least the paper ballot will accurately reflect
16 their vote selections; right?

17 A. Well, Mr. Cross, the paper ballot
18 accurately revotes [sic] their vote selections on
19 the other.

20 Q. But the tabulation --

21 A. If they're reviewing it for a hand tally
22 or a recount, that's -- I mean, I'm sorry, not for
23 a recount, but for a hand count tally or auditing,
24 that would be the same.

25 So on that front, they are fundamentally

1 the same because a human being can never know how a
2 computers been programmed to read either the tick
3 marks and the bubble-in sheets or the Q.R. code,
4 which is essentially just the tick marks that the
5 bubble is.

6 Q. Is it your belief that voters would not
7 have more confidence in a ballot where what's
8 getting tabulated is what they can read as opposed
9 to a Q.R. code that they cannot read? Do you --

10 A. But again, Mr. Cross, your point is
11 you're -- I think you're avoiding the point that
12 they can't know any more on that than they can on a
13 Q.R. code if the computer being [sic] scanned and
14 doing the tabulation is reading it properly.

15 Q. I understand that. But I thought we
16 agreed that voter confidence is important.

17 A. Well, if people are telling them that
18 it -- that, you know, it's not, that undermines
19 voter confidence even if it's not true.

20 Q. All right. But we agree that voter
21 confidence in the voting system is important;
22 right, Mr. --

23 A. Yes --

24 Q. -- Sterling?

25 A. -- we are.

1 Q. Okay. And is it your belief that voters
2 do not have greater confidence in a ballot where
3 they can actually read what's being tabulated than
4 a Q.R. code?

5 Do you believe voters are just totally
6 indifferent to that?

7 A. Mr. Cross, you've said they can read
8 what's being tabulated. Neither one can they do
9 that. That's my -- I'm not accepting the
10 underlying point of your question.

11 Q. So let me ask it this way. Is it your
12 belief that voters have just as much confidence in
13 a system that uses Q.R. codes as one that does not?
14 Is that your belief?

15 A. I think "voters" is a very broad
16 statement, because we have, you know, seven million
17 registered in the state. So I'm not going to
18 attempt to get in the mind of seven million
19 individuals.

20 Q. Well, do you have any view, as the
21 individual at the Secretary of State's office who
22 was responsible for implementing this new system,
23 do you have any view or understanding as to whether
24 the majority of Georgia voters have an -- have
25 greater confidence in a system that does not use

1 Q.R. codes than one that does?

2 A. I think that there has been so much
3 misinformation and disinformation put around Q.R.
4 codes that in some ways it probably has undermined
5 many people's belief in that.

6 But I think the most thing they looked at
7 is looking at the outcomes and then having three
8 counts in a row to show that the votes were cast in
9 the way that they were presented to the computers
10 should instill that confidence.

11 So I understand what you're trying to get
12 to. You believe that a hand-marked paper ballot is
13 a better thing that instills more confidence. I
14 don't necessarily agree with that or know that to
15 be the case. I haven't looked at any polling. I
16 don't know.

17 But again, it's -- we have a system that
18 we procured and put in place that follows the laws
19 of the State of Georgia right now.

20 Q. And I wasn't mentioning hand-marked paper
21 ballots. Again, you can have a B.M.D. ballot that
22 doesn't use a Q.R. code. So all I'm asking --

23 A. I see what you're saying. Yeah. Okay.

24 Q. Right. Do you have any, just based on
25 your experience in your role at the Secretary's

1 office, do you have any understanding one way or
2 the other as to whether most Georgians have greater
3 confidence in a system that does not use a Q.R.
4 code than one that -- than one that does, even if
5 it's still --

6 A. I'm not -- sorry. I'm not going to do --
7 I'm not going to speculate on "most Georgians."
8 That's kind of a -- not really my position.

9 Q. So you just, you don't have a belief or an
10 understanding one way or the other on that; is that
11 fair?

12 A. I'm not going to speculate on what seven
13 million individual Georgians think.

14 Q. Well, I'm not asking you to speculate.
15 You spent over a year implementing this system.
16 You spent multiple years working with the
17 Secretary's office defending this system.

18 And my question is, based on that
19 experience and the knowledge that you have, do you
20 have some belief or understanding as to whether
21 Georgians generally have greater confidence in the
22 system without a Q.R. code than one with?

23 MR. BARGER: And I'm going to just go
24 ahead and object to the form and also as
25 to any opinion testimony that you're

1 seeking.

2 Go ahead.

3 THE WITNESS: Okay. Frankly, the
4 majority of undermining of the election's
5 integrity thought process for most people
6 are nearly 100 percent around hand-marked
7 paper ballots absentees. That's the vast
8 majority of the claims we had to deal with
9 all the time and very little around the
10 B.M.D.s.

11 There is a small cadre of people who
12 are really upset about the Q.R. codes.
13 But the vast majority of the complaints
14 and problems that have been raised to our
15 office and have been brought to the S.E.B.
16 have to do with hand-marked absentee
17 ballots mailed in.

18 That is the vast majority of the
19 issue that I've seen from the majority of
20 people in Georgia who have a -- have a
21 concern about the last election.

22 BY MR. CROSS:

23 Q. Mr. Sterling, hasn't the Trump campaign
24 and his supporters and those associated with him,
25 Lin Wood, Sidney Powell, Giuliani, wasn't a key

1 part of the lawsuits that they brought, the public
2 claims that they made about Georgia, specifically
3 about the Dominion machines and all sorts of
4 conspiracy theories about the reliability of those
5 machines?

6 MR. RUSSO: Objection to form.

7 THE WITNESS: Many parts of them
8 relied on previous cases, including this
9 one, yes, and -- but the majority, once we
10 did the hand tally, the majority of the
11 stuff we saw on the ground in Georgia, the
12 majority of the items that our office had
13 to deal with, the majority of the claims
14 about our investigations had to do with
15 absentee balloting, which is done by
16 hand-marked paper ballots.

17 That is the vast, and not by a little
18 bit, but by a huge amount the problems
19 that were viewed by people who have --
20 lack faith in the outcome of the last
21 election.

22 I would call it probably something
23 like 85/15 that people have problems with
24 the absentee balloting program over
25 anything having to do with the B.M.D.s.

1 Early on, the early days, yes, there
2 was a lot of questions about that. It was
3 mainly misinformation, disinformation
4 around Dominion. But the vast majority
5 once we did the hand tally came in from
6 the absentee ballot side, mainly focused
7 on Fulton County.

8 BY MR. CROSS:

9 Q. Okay. Is there any election security
10 cybersecurity expert you can identify who has done
11 a forensic assessment of the voting equipment,
12 meaning the B.M.D.s, the printers, the scanners,
13 the election management servers, of the ENet system
14 and the voter registration system, is there any
15 election security expert that you can identify
16 who's done a forensic examination of those
17 components to determine whether there's been any
18 compromise?

19 A. I believe we have our outside third-party
20 group, Fortalice, who's done some assessments on
21 that. I can't -- I'm juggling so many things right
22 now, I can't remember specifically on that, but
23 Fortalice is generally the people who we do some
24 kind of stuff with.

25 We were in the middle right now, once we

1 had our warehouse established, of getting some
2 stuff over to the cybersecurity center in Augusta,
3 but we have not been able to get that over to them
4 yet.

5 Q. So there's no one -- no one other than
6 Fortalice who you can point to right now that's
7 done any assessment like that; is that right?

8 A. I don't believe so. Now, I could be
9 wrong, but I don't believe so.

10 (Whereupon, Ms. Elson entered the
11 deposition.)

12 BY MR. CROSS:

13 Q. And you mentioned Augusta. Are you
14 talking about the set-up with Dr. Alex Schwarzmenn?

15 A. Correct. Yeah.

16 Q. And this is -- this is the set-up at
17 Augusta University where you have a mirror set-up
18 of the voting system ranging from the E.M.S. server
19 to the printer to the scanner to the B.M.D. set up
20 at Augusta University; is that right?

21 A. Again, I don't believe it's actually set
22 up yet. We were in the middle of trying to do that
23 and COVID hit and we were -- and then we had stuff
24 to get deployed. But it's -- that's -- our
25 intention is to get that stuff over to them, but

1 that has not been officially set up yet, Mr. Cross.

2 Q. And I was going to ask about that. So
3 while we're there, Dr. Schwarzmenn talked about
4 this as early as February of 2020 in an interview,
5 and it looked like it had not been set up yet.

6 What's the reason for that? Was it COVID?
7 Is that what you said?

8 A. COVID was the biggest thing in the middle.
9 And then we had to -- we were on path. COVID kind
10 of got in the way. Then we had elections. And as
11 is pretty well known, we've been very busy with
12 both false election claims and litigation and
13 regular work and staffing issues.

14 And as an example, there was -- to get
15 stuff off of trucks we had in storage to put into
16 the new warehouse, we had to wait for two months
17 for a plane to offload stuff. I mean, it's those
18 kind of real world things kind of got in the way of
19 it.

20 Q. And do you have an estimated time for
21 getting that set up?

22 A. We were supposed to do an inventory and
23 get it off of that last week when I had my
24 emergency dental surgery. So soon, but I don't
25 have an exact date right now for you. I apologize.

1 Q. What's the purpose of that set-up at
2 Augusta?

3 A. As I understand it when we had the initial
4 discussions, and again, it's been a little while,
5 was to have that mirrored system, as you pointed
6 out, Mr. Cross.

7 And I think we were even talking about
8 maybe a dual mirrored system, one that's going to
9 be pristine and one that will be tested on to see
10 if they can replicate anything that is discovered
11 or any vulnerabilities or any claims to see if they
12 can be, you know, reproduced, and if they can be
13 reproduced, then possibly look into any mitigation
14 if necessary. That's sort of the goal overall.

15 Q. Who is responsible for that project, for
16 getting it set up and coordinating with Augusta?

17 A. I guess, for lack of a better word, me. I
18 mean, it would be me and Blake Evans from our
19 office. And I think -- we had a warehouse manager
20 who accepted the deal and he would have been part
21 of that process, but he ended up taking another
22 job. So we don't have a warehouse manager right
23 now to help coordinate some of that.

24 Q. Given that you and others at the
25 Secretary's office have publicly defended the

1 reliability and security of this system, why do you
2 need Augusta to do this set-up to do further
3 security testing?

4 A. Because we view, I'm sure this sounds
5 cliché, cybersecurity is a never-ending race. You
6 can always be looking for new things. You can
7 always be looking for new threats. And mitigating
8 those threats, when you mitigate one, another one
9 may pop up. So you can never, like, say, stop,
10 we're done. So this is just an ongoing kind of
11 process.

12 Q. Do you know whether Dr. Schwarzmenn or
13 anyone in his department has read any of
14 Dr. Halderman's reports or testimony in this case?

15 A. I do not.

16 Q. Who would you ask if you wanted to know?

17 A. I would probably call Dr. Schwarzmenn.

18 Q. Well, you -- I think you said you're one
19 of the primary people responsible for coordinating
20 with him. Why not have him review Dr. Halderman's
21 report and do his own assessment of the election
22 equipment to determine whether he agrees or
23 disagrees with Dr. Halderman?

24 A. We haven't gotten to that kind of point
25 yet. Like I said, I'm just trying to get him the

1 equipment right now.

2 Q. Okay. Is that something you would
3 anticipate doing, or you just don't know one way or
4 the other as you sit here?

5 A. I don't know one way or the other. But
6 logically, it would probably make sense. I mean,
7 again, Dominion is the person responsible for kind
8 of doing these mitigations. But we want to have,
9 you know, our own other expert on that side be able
10 to look at some of those things potentially.

11 And we can't have perfect information
12 100 percent of the time and get everything executed
13 100 percent perfectly in the fastest possible way
14 because we have the real world we have to deal
15 with. So I want to get the stuff over to them, and
16 we will do this in due course.

17 Q. Are you aware that the Secretary's expert,
18 Dr. Juan Gilbert, testified at his deposition, I
19 went through and finding by finding in
20 Dr. Halderman's report, and he testified each time
21 he did not disagree with any of the findings?

22 Were you aware of that?

23 A. No, I was not.

24 Q. Does that affect your view on whether you
25 think that that report is a load of crap?

1 A. No. Because again, the underlying thing
2 of it, as I said, every system in the world has
3 vulnerabilities. It's a question of what you do to
4 mitigate around them.

5 And I've seen for most people who are on
6 the cybersecurity side, they exclusively focus on
7 that, and only that, and kind of ignore mitigations
8 for the most part.

9 Q. Are you aware of whether the Secretary's
10 office has had any cybersecurity experts or
11 election security experts review Dr. Halderman's
12 July of 2021 report other than Dr. Gilbert?

13 A. I believe, like I said, I know Dominion
14 has it, and they are a contractor of the State.

15 Q. Anyone else?

16 A. Not off the top of my head, no.

17 Q. If you wanted to know the answer to that,
18 who would you ask?

19 A. I would assume Ryan Germany with my
20 office.

21 Q. All right. Look at Page 54 of 240, if you
22 would, please, in Exhibit 3.

23 A. Okay. I'm there.

24 Q. If you come to the bottom of the
25 right-hand column here, the last full paragraph

1 before the number seven paragraph.

2 A. Uh-huh.

3 Q. Do you see that?

4 A. Uh-huh.

5 Q. And just to give you some context so you
6 know what we're looking at, if you go back to Page
7 50, if you scroll up to Page 50 of 240 and look at
8 the --

9 A. I'm there.

10 Q. -- at the bottom right column, do you see
11 here what Secretary Raffensperger is writing about,
12 it's what the S.A.F.E. Commission recommended in
13 January of 2019, that's these numbered paragraphs?

14 A. Yes.

15 Q. And so then if you come back to Page 54
16 and you look just above their number seven
17 recommendation, the last thing there from the
18 S.A.F.E. Commission was:

19 "Additionally, Georgia law should
20 be updated to clarify that the human
21 readable component of the ballot is
22 the official vote record."

23 Do you see that?

24 A. Yes.

25 Q. That has not happened; right?

1 A. I don't know that's the case. I believe
2 that the paper ballot is viewed as the -- if there
3 is -- I'm not sure, honestly, about how the law
4 reads on that section of it. I know that the paper
5 ballot is the official ballot. And -- but I guess
6 recounts are done using the Q.R. codes.

7 So I can see where there could be -- that
8 may not have been on that depending on how it's
9 done.

10 Q. Right. The official vote tally in any
11 election using the current system comes from the
12 scan of the Q.R. codes; right?

13 A. Correct. Either it would be the first
14 count or any recounts.

15 Q. And do you know whether the Secretary's
16 office disagrees with this recommendation from the
17 S.A.F.E. Commission that the human readable
18 component of the ballot should be the official vote
19 record?

20 A. No, I don't -- I don't believe we would
21 agree with that, no. But again, it's the
22 legislature's decision.

23 Q. Has the Secretary's office taken any
24 efforts to advocate for that change with the
25 legislature in Georgia?

1 A. I don't know at this point -- at this
2 point if the Secretary's office took any positions
3 that the legislature would be too inclined to
4 listen. But not off the top of my head, no.

5 Q. The legislation that was adopted that led
6 to the Dominion B.M.D. system, did you help write
7 that?

8 A. Me personally? Not specifically. But I
9 was in the room sometimes with Mr. Germany and --
10 let's see. I remember that Barry Fleming was the
11 key author on that.

12 So that was where a lot of that -- those
13 discussion points came up and to kind of get into
14 the specifics of it of how you put it from S.A.F.E.
15 Commission language to the law. But yeah,
16 basically.

17 I was -- like I said, I'm not a lawyer,
18 but I was around those conversations about how this
19 ought to come together.

20 Q. Okay. How the legislation that came out
21 that led to the Dominion B.M.D.s, how that
22 developed coming out of the S.A.F.E. Commission
23 recommendations; is that what you're referring to?

24 A. Yes. HB 316, which was the final version
25 of a bill to move to a B.M.D. and to decommission

1 the D.R.E.s.

2 Q. Okay. And do you know at a high level or
3 just generally what the Secretary's office
4 involvement was in that?

5 You mentioned Mr. Germany. So that just
6 so I understand it, did individuals at the
7 Secretary's office help prepare that legislation?

8 A. Mr. Rayburn, Kevin Rayburn, who's left the
9 office and went on to be general counsel of the
10 E.A.C., was also pretty -- very involved in the
11 specifics of a lot of that.

12 Q. All right. Turn to the Page 68 of 240, if
13 you would, please.

14 A. All right. I'm there.

15 Q. All right. If you look at the top of the
16 second right -- or sorry, if you look at the top of
17 the column on the right, do you see that on Page
18 68?

19 A. "They politely told us"?

20 Q. Yes.

21 A. Okay.

22 Q. And then in the next sentence, Secretary
23 Raffensperger writes:

24 "Election integrity wasn't
25 something that Republicans, or by

1 extension then-sitting president
2 Donald J. Trump, saw the value in
3 defending in the lead-up to the 2020
4 election."

5 Do you see that?

6 A. Yes.

7 Q. And do you agree with that assessment?

8 A. Yes.

9 Q. And do we agree that election integrity is
10 something that's important to Georgia voters
11 generally?

12 A. Yes. But now, the idea of what election
13 integrity is varies from person to person, but yes.
14 As a general thought, yes.

15 Q. All right. Come down, then, to Page 71.
16 It should be the next page in the exhibit.

17 A. Yes, sir. I'm there.

18 Q. And if you look at the right column, do
19 you see the paragraph that begins, "I had been
20 elected Secretary of State"?

21 A. Yes.

22 Q. And then there Secretary Raffensperger
23 writes:

24 [As read] "Georgia was one of
25 only five states using

1 direct-recording electronic, or
2 D.R.E., voting machines. And with
3 mounting concerns of potential foreign
4 and domestic attempts to hack and
5 alter the results of American
6 elections, Georgia moved toward
7 replacement in time for the March 2020
8 presidential primary."

9 Do you see that?

10 A. Yes.

11 Q. And the replacement he's referring to
12 there is what became the Dominion B.M.D. system
13 used today; right?

14 A. Yes.

15 Q. Why weren't the physical security measures
16 and other measures that were in place to protect
17 the D.R.E.s against the hacks and the alterations
18 that Secretary Raffensperger notes here, why
19 weren't those sufficient to protect the D.R.E.
20 system to continue using it?

21 A. I don't --

22 MR. RUSSO: Objection. Object to the
23 form.

24 Go ahead.

25 THE WITNESS: I don't know that they

1 weren't. I do know that they were very
2 old. And because of the way that the
3 physical hardware and the I.P. were split,
4 that we couldn't update them at all. And
5 they were beginning to physically fall
6 apart.

7 So there were concerns around that,
8 and everybody -- I say "everybody." Many
9 people were of the belief that having a
10 paper-based system was one of the better
11 guarantors of avoiding any kind of outside
12 attempts to do that.

13 BY MR. CROSS:

14 Q. Did you say --

15 A. I mean, to this point even today, there's
16 a belief that things were done that didn't actually
17 occur, and that's maybe to more what he's referring
18 here. Like, people all hacking machines and
19 flipping votes from Hillary Clinton to Donald
20 Trump, that was -- that was sort of a belief out
21 there with many people.

22 Q. All right. Go to the next page, 72,
23 please.

24 A. Okay. I'm there.

25 Q. And actually, sorry, just so you have

1 context, if you go back to 71, the bullet points
2 there that start on 71 and go to 72 --

3 A. Uh-huh.

4 Q. -- do you see here that what Secretary
5 Raffensperger is referring to is things that were
6 intended to come out of the draft legislation that
7 became House Bill 316?

8 A. Yes.

9 Q. And then if you come down to the next
10 page, one of the things that he includes there in
11 the second-to-last bullet -- or the second bullet
12 on the --

13 A. On the next page or were we on 72 still?

14 Q. 72. Go to 72.

15 A. Okay.

16 Q. See the three bullets on the top left?

17 A. Uh-huh.

18 Q. And then he writes one of the things that
19 was thought to come out of the legislation, the
20 draft legislation, was:

21 "Conduct an audit immediately
22 following each election to confirm
23 election equipment worked properly."

24 Do you see that?

25 A. Yes.

1 Q. That's not done in Georgia; right?

2 A. I disagree. The -- we consider that the
3 audit that we did after the general election, the
4 Secretary gets to choose one, when you do that,
5 that shows that the machinery actually counted the
6 ballots as cast correctly. That is the intent of
7 that, and that's what that's referring to.

8 Q. Well, the -- that was -- that was a hand
9 tally or an audit, if you want to use that word, of
10 a single election contest in the November 2020
11 election; right?

12 A. Yes.

13 Q. And the law that was adopted in Georgia
14 only requires a single statewide audit every other
15 year. Do you understand that?

16 A. And they consider -- they consider that
17 particular thing to be met with that audit.

18 Q. Okay. But I just want to make sure,
19 what's written here is not a single statewide
20 election of a single contest every other year.
21 What's written here is, "conduct an audit
22 immediately following each election," not every
23 other year, not only statewide, "each election to
24 confirm election equipment worked properly."

25 That's what's written here; right?

1 A. That's what's written there, yes. But I
2 think they came to the point that doing it every
3 two years is what the -- met that point in their
4 outline of what they were trying to do.

5 Q. All right. Go to -- sorry. Stay on this
6 page.

7 A. Okay.

8 Q. If you look at the top of the next column,
9 still on Page 72, here Secretary Raffensperger
10 wrote:

11 "In the meantime, Deputy Secretary
12 of State Jordan Fuchs was organizing a
13 multi-disciplinary evaluation team to
14 review the proposals."

15 Do you see that?

16 A. Yes.

17 Q. And these are the proposals that came in
18 in response to the R.F.P. for the new system in
19 2019; right?

20 A. Correct.

21 Q. And then Secretary Raffensperger goes on:

22 [As read] "That group included,
23 among others, a cybersecurity expert,
24 an advocate for people with
25 disabilities, election directors from

1 large and small counties," and then in
2 parentheses, "(their needs are quite
3 different from each other), and an
4 attorney who is an expert in election
5 law."

6 Do you see that?

7 A. Yes.

8 Q. Did you work with this multi-disciplinary
9 evaluation team?

10 A. I was brought in as a subject matter
11 expert when it came to there was a section of the
12 bid having to do with their individual businesses,
13 which the intent of that was to make sure they had
14 the capital available and the ability to actually
15 fulfill this very large order.

16 I was never actually -- the stuff was so
17 plain, I was never actually, I don't believe I was
18 asked any questions during the evaluation process.
19 I can't recall for certain. I might have asked a
20 couple of individual ones.

21 But no, the individuals who did that were
22 off on their own doing their evaluations, and then
23 they came together I think three times all
24 together. And one on the final they had to drop
25 off because his mom died, and so he couldn't make

1 the final one.

2 Q. Who was the cybersecurity expert on that
3 team?

4 A. Steve -- crap. He's the C -- he was the
5 C.I.O. for the Georgia Technology Authority who had
6 done hundreds of R.F.P.s for the State having to do
7 with information technology. And I cannot remember
8 his last name now. I apologize.

9 Q. Okay. Is he still the C.I.O. for the
10 Georgia Technology Authority?

11 A. He is not.

12 Q. Do you know where he is today?

13 A. I do not.

14 Q. Do you know when he left, roughly?

15 A. The new one came in at some point last
16 year, but I don't know when. And I don't know if
17 he had left prior to the new one being appointed or
18 not. I hadn't dealt with him directly since 2019.

19 Q. All right. Were there any employees of
20 the Secretary's office on this team other than
21 Jordan Fuchs?

22 A. Kevin Rayburn, who is the attorney who's
23 the expert on election law in that listing there.

24 Q. Anyone else?

25 A. No.

1 Q. Okay. If you wanted to know what this
2 team considered, what they discussed, who would you
3 ask?

4 A. I would probably go to the bid documents
5 and re -- and look at what they reviewed there. I
6 think some notes are -- I think the real time notes
7 are also part of that record, but I'm not positive.
8 But you can look at it. I think it's a public
9 record.

10 Q. The discussions and the notes, the files
11 for this committee?

12 A. Yes. That's my understanding.

13 Q. And when you say "public record," do you
14 mean it's publicly available, like, I could find it
15 on-line, or just that you could get it through --

16 A. You should be able -- I believe you can
17 find it on-line. I don't think it's an O.R.R., an
18 open records request kind of thing. I believe you
19 can find it on-line under the Department of
20 Administrative Services procurement tab and look
21 for, you know, statewide voting system solution. I
22 believe that would have all those documents.

23 Q. All right. Go to Page 75, if you would,
24 please. It's the beginning of Chapter 7, 2020.

25 A. I've got it.

1 Q. If you look at the right column and go --
2 the long paragraph that ends towards the bottom
3 half of the second -- of the right column, do you
4 see the sentence, the last sentence that begins
5 "with our outside counsel"?

6 A. Yes.

7 Q. And here the Secretary writes:

8 "With our outside counsel at the
9 attorney general's office, who brought
10 in Georgia's leading conservative
11 election lawyers, I was confident we
12 could successfully defend all of our
13 election integrity measures."

14 Do you see --

15 A. Yes.

16 Q. -- that?

17 A. Yes.

18 Q. Do you know why it was important for the
19 Secretary to bring in specifically conservative
20 election lawyers to defend the election integrity
21 in Georgia?

22 A. Because I think liberal election lawyers
23 would probably, from our point of view, attack some
24 of the things we considered to be election
25 integrity measures.

1 Q. And why would you assume that?

2 A. Well, because Marc Elias, and then as
3 discussed in this particular page the Four Pillars
4 program, and they were doing things to attempt to
5 weaken identification of individuals, extend times
6 that ballots can be received, you know, even
7 outside of the normal what the law called for,
8 things along those lines.

9 Q. Why not obtain -- retain non-partisan
10 counsel to defend the election integrity?

11 A. Frankly, I couldn't tell you. Because I
12 don't think the -- seemingly in election law, I'm
13 not sure that there's such a thing as a
14 non-partisan counsel.

15 Q. All right. Come to Page 88, please.

16 A. Yes, sir. All right. I'm there.

17 Q. If you look at the top of the right-hand
18 column and go to the second sentence that begins,
19 "I first explained," do you see that?

20 A. Yes, sir.

21 Q. And there Secretary Raffensperger writes:
22 "I first explained that 'counties
23 run elections.' We have" --

24 A. Yes.

25 Q. "We have 159 counties, and more

1 than 150 of them did a great job."

2 Do you see that?

3 A. Yes, sir.

4 Q. Do you agree with Secretary Raffensperger
5 that counties run elections in Georgia?

6 A. Yes, sir.

7 Q. Who is responsible for securing elections,
8 from the voting equipment to the servers to
9 anything that touches the election system in
10 Georgia?

11 A. The counties. We are responsible for our
12 E.M.S. at our Center for Elections, but the
13 counties secure the voting equipment and secure
14 their E.M.S.s.

15 Q. Does the Secretary's office have any
16 program or practice of doing -- sort of assessing
17 whether the counties are complying with the
18 security measures that need to be taken to secure
19 the election system?

20 A. We've worked in the past with C.I.S.A.,
21 the -- I always get that acronym wrong, it's
22 C-I-S-A -- to do assessments of counties to make
23 sure they have physical -- they're following the
24 physical protocols necessary.

25 In fact, we just met with them I want to

1 say a month ago to request we do another round of
2 that again. So we do have some of those things
3 where we work with the federal government to help
4 counties move along on that front.

5 We also in the 2020 election cycle set up
6 some grants for security as well to help them
7 mitigate some of the things with the new equipment
8 they had to do.

9 So there's several things along those
10 lines, but it's really fundamentally the counties'
11 responsibility. I mean, our grants were relatively
12 small, and they're really held for the smaller
13 counties than the bigger counties.

14 Q. And what have you done with C.I.S.A. to
15 check the security measures at the county level?

16 A. They physically send inspectors out to
17 look and make sure a block's here, is there a date,
18 is there a file, those kind of items. Like, the
19 physical security was the biggest front-line thing
20 to try to do with the counties.

21 Q. How often is that done in Georgia?

22 A. I don't know the answer to that question.
23 I mean, I know we did it once early on when I was
24 here, and we're talking about them going out and
25 doing it again, you know, in a relatively soon time

1 frame.

2 Like I said, we met last month and had --
3 started having some initial discussions about
4 having that done again.

5 Q. Does that process generate a report? Does
6 C.I.S.A. say, here's what we did and here's what we
7 found?

8 A. I don't know.

9 Q. How would you find that out?

10 A. I guess I'd probably go and talk to either
11 our elections director or Ryan Germany.

12 Q. And Blake Evans is the elections director
13 today.

14 A. Correct.

15 Q. Is that right?

16 A. Yes, sir.

17 Q. And would it be the responsibility of the
18 counties to address any concerns that come up in
19 those assessments?

20 A. Yes.

21 Q. All right. If you go -- stay on Page 88.

22 A. Okay.

23 Q. Look at the middle of the right column.
24 Do you see the second full paragraph that begins,
25 "but the county"?

1 A. Yes, sir.

2 Q. Here Secretary Raffensperger writes:

3 "But the county officials and
4 election boards select the voting
5 locations, train poll workers,
6 distribute voting machines, and manage
7 almost every Election Day decision."

8 Do you see that?

9 A. Yes, sir.

10 Q. Do you agree with that?

11 A. Yes, sir.

12 Q. All right. Go to Page 92, please. Should
13 be the next one.

14 A. All right. I'm there.

15 Q. And if you look at the full paragraph at
16 the bottom of the left column beginning,
17 "traditionally," do you see that?

18 A. Yes, sir.

19 Q. And here Secretary Raffensperger writes:

20 "Traditionally, 'no excuse'
21 absentee ballots had been a Republican
22 strength in Georgia, not a weakness.
23 And they could have remained so in
24 2020."

25 Do you see that?

1 A. Yes.

2 Q. And absentee ballots in Georgia are
3 hand-marked paper ballots; right?

4 A. Correct.

5 Q. And so is it fair to say that the
6 Secretary's office finds the hand-marked paper
7 ballots that are done through the absentee system
8 just as reliable as the electronic voting equipment
9 that's used?

10 A. No. We -- on the reliability side, you
11 are much more likely to have an over-vote or an
12 under-vote on a hand-marked paper ballot done at
13 home. So on that front, they're not quite as
14 reliable, no.

15 Q. So then why does the Secretary believe
16 that hand-marked paper ballots through the absentee
17 system historically was a strength for Republicans,
18 not a weakness, if they're less reliable than the
19 voting machines?

20 MR. RUSSO: Objection to form.

21 THE WITNESS: What he's referring to
22 there is in a political way.

23 Historically, up until the 20 -- I want to
24 say 2018 election -- every previous
25 election from 2006, which was after the

1 2005 passage of the law, up until 2016,
2 Republicans had generally done better on
3 absentees than Democrats.

4 But the previous two election cycles,
5 the Democrats worked very hard to set up
6 good systems for tracking and getting
7 absentee ballots out. And they just,
8 frankly, did a better job of working the
9 system the way -- legally the way it was
10 constructed than Republicans had
11 previously.

12 And his point saying the Republicans
13 could have made them a strength in 2020
14 given COVID-19, I think that's more of an
15 allusion to the fact that there were
16 Republicans who were saying, don't trust
17 absentee ballots, like the president at
18 the time.

19 BY MR. CROSS:

20 Q. You're not suggesting that the hand-marked
21 paper ballots that are used in Georgia's absentee
22 system are unreliable; right?

23 A. No, I'm not suggesting they're unreliable.
24 I'm saying they are less reliable in terms of
25 avoiding over-votes and under-votes than a

1 B.M.D.-marked ballot.

2 Q. Is there any other way in which you
3 believe they're less reliable than a B.M.D. ballot?

4 A. I believe they're more open to having
5 issues done with them after the fact. However, in
6 our system, the current system much more so than
7 the previous system with absentees, where if there
8 was an adjudication, it was all done manually and
9 there was no log file that was done.

10 Now, in the current system, there is a log
11 file. So I think on that front, the absentees
12 under the current system are better than the
13 absentees in the old system in terms of just the
14 way they're being processed, but not the physical,
15 you know, attributes of the absentee ballots
16 themselves.

17 Q. Okay. All right. Turn to Page 98,
18 please.

19 A. Okay.

20 Q. Do you see here the second paragraph in
21 the left column where Secretary Raffensperger
22 writes:

23 "For 60 days from Election Day
24 until January 2nd when President Trump
25 called and asked me to 'find 11,780

1 votes,' we investigated all complaints
2 received and looked for any evidence
3 of widespread fraud"?

4 Do you see that?

5 A. Yes, sir.

6 Q. Who was responsible for that investigation
7 or those investigations on behalf of the
8 Secretary's office?

9 A. For the largest part of that, it would
10 have been our investigations division, which was --
11 at that point had the director of Frances Watson.
12 She would be overseeing all of that.

13 There was one particular part of the
14 investigation where we partnered with the G.B.I. to
15 do a signature match in Cobb County where we
16 basically needed more people to deploy on that.

17 So that was the only time we used a lot of
18 other resources, which was for that ballot -- or
19 sorry, envelope review of about 15,000 and a
20 handful of extras of the -- of the absentee ballot
21 envelopes.

22 Q. And the G.B.I. piece, that only concerned
23 absentee ballots; do I understand that right?

24 A. Doing the -- making sure the signature
25 match was done properly, yes. That was what the

1 G.B.I. piece was. So the vast majority of them
2 were directly under Frances Watson through our
3 investigations division.

4 Q. All right. And if you come down to this
5 paragraph, do you see that Secretary Raffensperger
6 reports with respect to these investigations, he
7 writes:

8 "We did not see any evidence of
9 widespread fraud."

10 Do you see that?

11 A. Yes.

12 Q. Was there any evidence of any fraud at all
13 in the November 2020 election found by the
14 Secretary's office?

15 A. The --

16 MR. RUSSO: Objection to form.

17 THE WITNESS: The use of the term
18 "fraud" is kind of a large, fraught word.
19 We definitely found instances of what we
20 referred to as illegal voting, as there is
21 in every election.

22 At the time of this writing, there
23 were -- we knew there were two dead people
24 that had voted. By -- at this point we
25 now know there were four.

1 We know that there was potentially 74
2 people who were felons that might have
3 voted, and we're still investigating those
4 and knocking those numbers down.

5 But there's always some level of
6 illegal voting, but no organized kind of
7 fraud if that's what you're more asking
8 the question of and what he could be
9 referring to here.

10 BY MR. CROSS:

11 Q. Are there any other instances of fraud or
12 illegal voting that was found through these
13 investigations beyond what you just identified?

14 A. Yes. And I'd refer you to the outcomes
15 from the State Election Board meetings where these
16 were vetted out, again, in public, and it's all
17 available on-line through the transcripts there,
18 and the referrals that were done to the attorney
19 general's office.

20 Q. All right. So whatever findings there
21 were coming out of these investigations, you're
22 saying -- are you saying those are all public?

23 A. Of the ones so far. I believe there's
24 another 50 that are still open right now out of,
25 like, I'm spitballing this, about 300 total

1 invest -- different investigations --

2 Q. Okay.

3 A. -- that are still to be brought forward.

4 And I believe there is another S.E.B. meeting

5 come -- State Election Board meeting coming up

6 in -- on March 16th.

7 Q. And are those --

8 A. And I apologize if you're hearing anything

9 in the background. There's somebody blowing leaves

10 at the window next to us.

11 MR. RUSSO: Give me one second. I'm

12 sorry. Can we take just a quick two-,

13 three-minute break. I just need to tell

14 the folks doing the cleaning outside the

15 office to cut off the blower here so we

16 can -- you can hear Gabe and I can hear

17 Gabe.

18 THE WITNESS: Sorry, guys.

19 MR. CROSS: Yeah, yeah. Go ahead.

20 THE VIDEOGRAPHER: Off the record,

21 11:19.

22 (Whereupon, a discussion ensued

23 off the record.)

24 (Whereupon, there was a brief

25 recess.)

1 THE VIDEOGRAPHER: Back on the record
2 at 11:22.

3 BY MR. CROSS:

4 Q. All right. Go to Page 118.

5 A. Can you hold on one second for me? I
6 apologize.

7 (Whereupon, a technical discussion
8 ensued off the record.)

9 THE WITNESS: Okay. Go ahead.

10 BY MR. CROSS:

11 Q. All right. Go to Page 118 of the
12 Secretary's book, please.

13 A. Okay. The one that says -- starts off,
14 "in every case"?

15 Q. Yes.

16 A. Okay.

17 Q. And if you come down, do you see the
18 heading that says Forensic Audit of Dominion
19 Equipment?

20 A. Yes. I've got it.

21 Q. And then at the bottom of that page,
22 there's a paragraph that reads:

23 "Pro V & V was not the first to
24 work with us to protect our election.
25 We also partnered with the Department

1 of Homeland Security, the Georgia
2 Cyber Center, Georgia Tech security
3 experts and other election security
4 experts."

5 Do you see that?

6 A. Yes.

7 Q. What Georgia Tech security experts did the
8 Secretary's office partner with to protect
9 elections in Georgia?

10 A. What's his name? I can't recall his name
11 right now. He's bald. He looked at a couple of
12 our cybersecurity forms that we had done that were
13 coordinated with the Center for Election Innovation
14 and Research. He has a Greek last name, if memory
15 serves. I just can't recall it right now.

16 Q. Is it Angelos Keromytis?

17 A. Ah. There we go. Yes.

18 Q. And what work has Dr. Keromytis done with
19 respect to Georgia election security?

20 A. Basic overviews and discussions. There's
21 never been a -- there's been no reports or anything
22 issued. I remember we were having some discussions
23 with him.

24 And again, some of this is pre-COVID. So
25 COVID kind of shut some of these things down that

1 we were doing. But I remember he had had some
2 discussions we -- with our side and with several
3 people we had in a room kind of discussing those
4 things who were other experts on cybersecurity and
5 elections.

6 But there's not, like, a report that was
7 done or anything, but they had come in to kind of
8 review and say, what are you doing and those kind
9 of items in a general kind of way.

10 Q. When was Dr. Keromytis first engaged to
11 advise the State on election security?

12 A. Likely -- again, I don't think he was
13 engaged so much as he was brought in by the Center
14 for Election Innovation and Research, or even if we
15 engaged him -- I think there was a discussion of
16 it, but then COVID hit. So I can't recall exactly.
17 But I know he was in meetings starting in 2019, if
18 memory serves.

19 Q. And do you know whether he was retained by
20 the Secretary's office or someone else on behalf of
21 the State, or was he brought in informally?

22 A. I don't know for certain. My best guess
23 is it was informally with the intention of doing it
24 more formally, but then COVID yet.

25 Q. If you wanted to know whether there was an

1 actual retention, who would you ask?

2 A. I would probably talk to either our
3 procurement side or to Ryan Germany.

4 Q. How often has Dr. Keromytis met with
5 individuals on behalf of the Secretary's office
6 regarding election security?

7 A. I don't know.

8 Q. Who would you ask --

9 A. Let me be --

10 Q. -- if you wanted to know that?

11 A. I know there was at least two times he
12 did. I would have to ask individuals, mainly Ryan
13 Germany probably.

14 Q. Did you participate --

15 A. I re -- well, I remember I met with him in
16 a group setting at least twice -- at least twice.
17 Pardon me.

18 Q. Okay. And who all participated in those
19 group meetings?

20 A. I would have to refresh my memory. I
21 honestly can't recall.

22 Q. What's your best recollection of who
23 participated, who was there?

24 A. David Becker from the Center for Election
25 Innovation and Research; Ryan Germany; I believe at

1 the time probably Kevin Rayburn; Chris Harvey, the
2 elections director at the time.

3 And I want to say there was a couple --
4 there was some -- two other people had come in from
5 out of town that I can't recall right now, but we
6 could -- I would have to -- I would have to look it
7 up to honestly tell you for certain.

8 Q. All right. Where would you look to find
9 out?

10 A. I'd probably go to our scheduling
11 calendars and look.

12 Q. Do you recall whether Jordan Fuchs was in
13 any of those meetings?

14 A. I think she might have been in parts of
15 them but maybe not for the whole thing. I just
16 honestly don't recall.

17 Q. And what about the Secretary?

18 A. The Secretary was going to be there for
19 parts of the discussion. But again, I do not
20 believe he was there for all of the discussions.

21 Q. Okay. And what was the purpose of those
22 meetings with Dr. Keromytis?

23 A. Well, it wasn't just with Dr. Keromytis.
24 It was several different people, I believe, who
25 were basically, what are the threats you're seeing

1 out there, what kind of things should we be on the
2 lookout for, those kind of -- in a general kind of
3 way. I couldn't give you specifics now, because it
4 has been a couple of years.

5 Q. Were there other election security experts
6 in those meetings?

7 A. I believe so. I mean, I know I remember
8 we flew -- somebody flew in, but I can't recall who
9 they are. I'd have to check.

10 Q. Do you recall where they came from?

11 A. Out of state. That's the best I can give
12 you.

13 Q. Okay. You just don't recall anything
14 about that other individual?

15 A. I think there was two. I can remember
16 kind of what they looked like, but I can't remember
17 specifically. But again, it's been a couple of
18 years.

19 Q. Do you know whether there were any notes
20 or minutes from those meetings?

21 A. I do not.

22 Q. Were there any specific election security
23 concerns that were discussed in those meetings?

24 A. Again, on specificity's side, I don't
25 think there was, like, there's this vulnerability,

1 there's this fix. I think it was in a general way.

2 Because we were still coming off the 2018
3 claims of stuff, and we're looking at a new system
4 and kind of what do you look for as in a general
5 way what do you -- what should -- what boxes should
6 you check, that kind of thing.

7 But it wasn't, like, there's a report,
8 there's this or -- just a generalized sort of
9 discussion to kind of say what should you be
10 looking for. That's my -- that's my recollection.

11 Q. And what was discussed about what you
12 should be looking for with respect to election
13 security?

14 A. I would have to -- I wouldn't attempt to
15 characterize it. I'd have to go back and refresh
16 my memory.

17 Q. Okay.

18 A. I mean, because at the time we were
19 talking about foreign actors. And I think one of
20 the big things we talked about, I do remember this,
21 was it was really more around the voter
22 registration system.

23 And I remember somebody said, basically,
24 if you really wanted to screw with something, you
25 know, you go into the voter registration system and

1 flip all the voter ID numbers one day and basically
2 everything would go to crap. I mean, I remember
3 that being one of the big fears.

4 And there were more fears around the voter
5 registration systems in terms of what could be done
6 to have chaos versus any individual either --
7 B.M.D.s at the time.

8 I remember that was kind of like the
9 threat level was higher on that side for a foreign
10 actor to do something than there is on B.M.D.s. I
11 do remember that kind of being part of the
12 discussion at one point.

13 Q. Do you recall other specific concerns
14 raised with the voter registration system?

15 A. No. I mean, that was -- I remember -- I
16 just remember that being one of my generalized
17 take-aways from that, or from those meetings.

18 Q. And do I understand correctly the
19 Secretary's office has decided to replace ENet?

20 A. Yes.

21 Q. And have you been involved in that
22 decision at all?

23 A. Yes.

24 Q. Why has the Secretary's office decided to
25 replace ENet?

1 A. That's -- it's reached the end of its
2 useful life. And one of the issues that we ran
3 into was, with the passage of SB 202, there were
4 two specific items that the ENet simply -- it was
5 built, it could do what it could do what it was
6 built for originally, but now it's being asked to
7 do additional things that it couldn't do.

8 One specific one is, because of the
9 passage of SB 202, there are now dual voter
10 registration dates for federal run-offs. Because
11 we had the federal run-off back to state law level,
12 which is four weeks out.

13 So if there's a state run-off and a
14 federal run-off on the same day, some people will
15 be eligible to vote for one but not for the other,
16 and ENet could not basically handle doing that. So
17 that was -- that was one of the big reasons.

18 And then in the absentee ballot portal,
19 it's requiring now that you have to have a scanned
20 or a physical image or copy of the request be
21 attached to the request that is submitted via the
22 portal, and ENet was not capable of doing that with
23 its rather older hard coding that it was done.

24 Those are -- those are two of the big
25 reasons we're moving to a new system. And just an

1 updating system. And we'll be moving to the cloud,
2 which provides for an additional level of security
3 under the FedRAMP, the -- on the Salesforce FedRAMP
4 cloud.

5 Q. So do I understand correctly that among
6 the reasons to move away from ENet were security
7 concerns about that system as well?

8 A. No. Not security concerns so much as you
9 can make things better. We didn't have specific
10 things we were worried about on the security side
11 for that. Although, I think having something on
12 the FedRAMP is some -- is probably better even when
13 you have lots of security around your own data
14 center, which we have.

15 Q. So are there any other meetings or
16 communications that you're aware of with
17 Dr. Keromytis or these other two individuals at
18 these two meetings in 2019 that you thought might
19 be election security experts regarding election
20 security?

21 A. There may be, you know, correspondence
22 with other individuals from the meetings that I'm
23 not aware of. I imagine there probably is, but I'm
24 not a -- like I said, I'm not aware of them.

25 Q. Who would you ask to find out -- to find

1 out?

2 A. Well, I mean, if -- not knowing what the
3 discovery is in this case, I mean, if there were
4 cybersecurity in there, I'm assuming -- and there
5 were E-mails in the State, you probably have them
6 if they exist.

7 Q. Does Dr. Keromytis work directly with
8 Jordan Fuchs on election security issues?

9 A. I don't know. I mean, Jordan doesn't
10 really, she's not operationally doing stuff inside
11 election things, so I wouldn't -- maybe as an "to
12 advise" thing. But outside of that, I wouldn't
13 know anything, no.

14 Q. Do you know why Dr. Keromytis would have
15 Jordan Fuchs's cell number?

16 A. Probably because they were in the meeting
17 together and they probably shared information.

18 Q. Do you know why Jordan Fuchs would ask
19 Dr. Keromytis to call her on her cell specifically
20 about an election security concern?

21 MR. RUSSO: Objection to form.

22 THE WITNESS: No.

23 BY MR. CROSS:

24 Q. Who would you ask if you wanted to know?

25 A. I would guess Dr. Keromytis or Jordan

1 Fuchs.

2 Q. If you look back at this language we just
3 read, I asked you about the Georgia Tech security
4 experts, it also indicates other election security
5 experts.

6 Are there any election security experts
7 the Secretary's office has worked with on the
8 security of Georgia elections beyond the ones we've
9 already talked about?

10 A. I don't know who the Secretary might be
11 referring to specifically here.

12 Q. So there's no one you're aware of beyond
13 Dr. Keromytis, the two individuals in this meeting
14 that you can't recall, and whatever you're trying
15 to set up with Dr. Schwarzmans; is that fair?

16 A. Well, again, you're mainly focusing on the
17 cybersecurity side. We also have other security
18 side. Like we -- like I said, we meet with
19 C.I.S.A. We do those things. We work with Center
20 For Election Innovation and Research on what are
21 the best practices for securing elections.

22 We work, from our point of view, working
23 with the Center for Civic Design to make sure your
24 absentee ballots are -- and applications and -- are
25 done -- the instructions are done better.

1 All those from my point of view are about
2 the system working and making it secure. Then if
3 you're talking about the narrow band of
4 cybersecurity, I think you -- we've gone over the
5 specific ones we've talked about there.

6 Q. Why has the Secretary's office never
7 engaged an election security expert to do a
8 forensic assessment of voting equipment in the
9 state of Georgia?

10 A. We rely on our partner through our
11 contracts to make sure our systems are secure. And
12 like I said, we are working to try to get something
13 over to the cyber center so we have another set of
14 eyes in case a specific issue comes up.

15 Q. And by "partner," do you mean Dominion?

16 A. Yes.

17 Q. And the cyber center, that's the
18 Dr. Schwarzmann --

19 A. Correct.

20 Q. Okay.

21 A. Correct. And Colonel Toler I believe is
22 the other person we met with over there.

23 Q. And he works in Dr. Schwarzmann's
24 department?

25 A. No. Dr. Schwarzmann works beneath him.

1 He's over the whole cyber center.

2 Q. They're both --

3 (Whereupon, technical difficulty
4 caused Mr. Cross to disconnect from
5 the deposition.)

6 THE REPORTER: Let's go off the
7 record.

8 (Whereupon, there was a brief
9 recess.)

10 THE VIDEOGRAPHER: Back on the record
11 at 11:50.

12 BY MR. CROSS:

13 Q. All right. Sorry about that,
14 Mr. Sterling.

15 A. Technology help -- don't help unless it
16 helps, I know.

17 Q. That's right.

18 Okay. So do you still have, I think it's
19 Exhibit 3 up?

20 A. I'm on Page 118 if that's where you wanted
21 to be.

22 Q. Okay. All right. Go to Page 142, please.

23 A. Okay. All right. I'm there. Which
24 column?

25 Q. The right column. Do you see the heading

1 that reads Courts: The Ultimate Fact Check?

2 A. Yes.

3 Q. And you see, if you go to the second
4 paragraph under that heading, do you see the
5 paragraph that begins, "in the weeks and months"?

6 A. Yes, sir.

7 Q. And then the second sentence in that
8 paragraph, Secretary Raffensperger writes:

9 "The ultimate fact check in the
10 United States, however, occurs in
11 courts of law where witnesses swear to
12 tell the truth or risk imprisonment
13 and where lawyers must also tell the
14 truth or risk disbarment. If you want
15 to know the truth, watch what happens
16 in court."

17 Do you see that?

18 A. Yes.

19 Q. Do you agree with Secretary Raffensperger
20 on that?

21 A. In a generalized statement, yes.

22 Q. Secretary Raffensperger has repeatedly
23 referred to Judge Totenberg in our case as a
24 radical left wing activist judge. Have you heard
25 those comments, including just recently on a -- on

1 a radio show?

2 MR. RUSSO: Objection to form.

3 THE WITNESS: The general feeling and
4 tone of that, if not the exact verbiage.
5 But generally speaking, yes, I'm aware of
6 that.

7 BY MR. CROSS:

8 Q. Is that -- do you share his view?

9 MR. RUSSO: Objection to form.
10 Relevance.

11 THE WITNESS: I don't know if I
12 would -- I don't have enough information
13 she's -- whether she's a radical leftist
14 or not.

15 BY MR. CROSS:

16 Q. Do you know what the basis is for
17 Secretary Raffensperger to say that about Judge
18 Totenberg?

19 MR. RUSSO: Objection to form again.

20 THE WITNESS: I can't get into the
21 man's mind, sir.

22 BY MR. CROSS:

23 Q. Well, if you wanted to know why he's
24 saying that or why he believes that, would you ask
25 him?

1 A. Generally speaking, if you want to know
2 what somebody thinks, you would generally ask them.

3 Q. So as you sit here, you're -- you don't
4 have any understanding as to why he's saying that?

5 A. Not specifically, no. I know he has those
6 feelings.

7 Q. Okay. All right. Turn to Page 160,
8 please.

9 A. Okay.

10 Q. And do you see the second-to-last
11 paragraph, the last full paragraph that begins with
12 "additionally" at the bottom of the right-hand
13 column?

14 A. Yes, sir.

15 Q. Here Secretary Raffensperger writes:

16 "Additionally, the touch screen
17 interfaces and attached printers are
18 never attached to the poll pads and
19 are air-gapped so they cannot connect
20 to the Internet."

21 Do you see that?

22 A. Yes.

23 Q. And do you believe that to be true?

24 A. Using the general layman's terms of that,
25 yes.

1 Q. And I was going to ask, what is your
2 understanding of what "air-gapped" means in this
3 context?

4 A. In this context it basically means you're
5 not through Bluetooth or WiFi going to have the,
6 either the B.M.D., the printer or the scanner or
7 any of those items be attached to the Internet.

8 Q. And would you consider voting equipment
9 air-gapped even if there are -- there's removal
10 media that is sometimes connected to components of
11 the election system that are also used with
12 Internet connected computers?

13 A. I know that in the -- a term of art and
14 specificity in the cybersecurity world is that that
15 may not be considered air-gapped. But for reg --
16 when we're having these discussions, when you're
17 talking to regular voters and regular citizens,
18 they're thinking about being connected directly to
19 the Internet in real time versus a removable media
20 item.

21 And that would be the sec -- I'm assuming
22 that's what the Secretary's referring to here. But
23 you'd have to talk to him directly to know for
24 certain, because it's his -- it's his mindset.

25 Q. All right. Come down to Page 186, please.

1 A. All right.

2 Q. And if you look at the bottom, do you see
3 here there is -- Secretary Raffensperger is
4 reporting on a conversation that he had with
5 President Trump in late 2020 about the November
6 election?

7 A. Actually, this is in early 2021, and this
8 is a transcript of that call.

9 Q. So -- okay. So this call happened in
10 early 2021?

11 A. If memory serves, it was January 2nd.

12 Q. Okay. Got it.

13 And if you look at the bottom of the left
14 column on 186, do you see where it indicates that
15 Secretary Raffensperger said:

16 "We believe that we do have an
17 accurate election."

18 Do you see that?

19 A. Yes.

20 Q. And then it goes on and President Trump
21 responds:

22 "No. No, you don't. No. No, you
23 don't. You don't have. Not even
24 close. You're off by hundreds of
25 thousands of votes."

1 And he goes on from there. Do you see
2 that?

3 A. Yes.

4 Q. You and Secretary Raffensperger have both
5 publicly stated that you voted for Trump in the
6 2020 election; right?

7 A. Yes.

8 Q. Do you worry at all that it undermines
9 voter confidence in Georgia that the Secretary
10 himself, and the chief operating officer and the
11 person responsible for implementing the Dominion
12 system, voted for a president who you have publicly
13 acknowledged misrepresented the November 2020
14 election?

15 A. Restate your question.

16 Q. Do you think it affects voter confidence
17 in Georgia that the Secretary himself and the chief
18 operating officer for the Secretary's office have
19 publicly stated they voted for a president who you
20 acknowledge has misrepresented the election in
21 Georgia in 2020?

22 MR. RUSSO: Objection to form.

23 THE WITNESS: I don't know that the
24 statement of facts that the Secretary, a
25 Republican, and myself, a Republican,

1 voted for the Republican nominee before
2 any of these things happened would --
3 should undermine that, no, any more than
4 anybody voting for Stacey Abrams when
5 she's claimed she was cheated out of the
6 election either.

7 And in fact, stating that we voted
8 for him and stating that he lost I think
9 would probably increase people's, you
10 know, belief in the outcome of the
11 election.

12 BY MR. CROSS:

13 Q. Do you agree with Secretary Raffensperger
14 that President Trump was attempting to overturn the
15 will of Georgia's voters?

16 MR. RUSSO: Objection to form. And
17 objection based on relevance.

18 THE WITNESS: And what -- where is
19 he -- I need some context for where that
20 statement is specifically.

21 BY MR. CROSS:

22 Q. Looks like for some reason that page is
23 not here. It's in Chapter 10 of his book, The
24 Aftermath, Our Hope. He writes:

25 "President Trump was attempting to

1 overturn the will of Georgia voters,
2 and my duty was to prevent that from
3 happening."

4 MR. RUSSO: Same objection.

5 BY MR. CROSS:

6 Q. Do you agree -- do you agree with that?

7 A. I believe the Secretary views his role as
8 following the law and following the Constitution
9 and telling the truth.

10 MR. CROSS: All right. We can break
11 for lunch.

12 THE WITNESS: Okay.

13 THE VIDEOGRAPHER: Going off the
14 record at 11:59.

15 (Whereupon, a discussion ensued
16 off the record.)

17 (Whereupon, there was a luncheon
18 recess.)

19 THE VIDEOGRAPHER: We are back on the
20 record at 12:36.

21 BY MR. CROSS:

22 Q. All right. Mr. Sterling, let me pull up
23 the next exhibit.

24 A. So we're leaving the book and going to
25 another exhibit in the whatchamadigger?

1 Q. Yes.

2 A. Okay.

3 Q. And I forgot to ask you, Mr. Sterling. I
4 know you had some, like, oral surgery or something
5 recently. Are you on any medication or anything
6 today that would affect your ability to testify
7 truthfully and completely?

8 A. No. Antibiotics, that's about it, which
9 make me a little bit itchy. But no, no pain meds
10 or anything.

11 Q. Okay.

12 A. Have you loaded the other one yet?
13 Because I'm not seeing it.

14 Q. No, no. Sorry. It's coming up in just a
15 moment.

16 (Whereupon, Plaintiff's
17 Exhibit 4 was marked for
18 identification.)

19 BY MR. CROSS:

20 Q. All right. See if you can pull it up now.

21 A. Okay. There we go.

22 Q. So it's a video file. It should play. If
23 it doesn't play on your end, let me know.

24 A. It gives me an option to say press play, a
25 video button. Should I go ahead and do that?

1 Q. Go ahead and do that.

2 A. 58 seconds?

3 (Whereupon, a video recording was
4 played.)

5 THE WITNESS: Okay.

6 BY MR. CROSS:

7 Q. So Mr. Sterling, Exhibit 4 is a video
8 where you spoke at a -- some sort of event; is that
9 right?

10 A. Yes.

11 Q. And what was that event?

12 A. Democracy Week in Geneva sponsored by the
13 University of Geneva and the Albert Hirschman
14 center for democracy [sic] at the University of
15 Geneva in the state of Geneva.

16 Q. Okay. And everything we just heard in
17 Exhibit 4 in the video, does that still represent
18 your view today?

19 A. Yes.

20 Q. And why is it historically important in
21 Georgia for Georgians to vote in person? What is
22 it about the pageantry that's important?

23 A. This is a personal opinion more than
24 anything. It's -- I guess the best way to
25 characterize it is it's I am getting in my car, I

1 am going through the -- I guess "pageantry" is not
2 the right word. I couldn't think of the right
3 word, so I used the best word I could think of in
4 the moment.

5 It's essentially, it's a cultural and
6 civic duty that you are now exercising in a very
7 public kind of way. I mean, I was saying that
8 there's a difference in Georgia because
9 historically, like I said, 95 to 96 percent of --
10 or 97 percent of people vote in person, just either
11 advanced in person or at their polling location,
12 and that's just been historically how it's normally
13 been done.

14 Now, I don't know whether it's important
15 or not. It just is. I mean, it is a statement of
16 fact that that is what people do in this state.

17 Q. And you mentioned M.L.K. What was the
18 significance of M.L.K. and the point that you were
19 making about voting in person?

20 A. The point about that is we have a large
21 population in the state that for many years was
22 denied the right to vote easily, and not just this
23 state, but this country. And M.L.K. is from
24 Georgia. That was the rationale behind making that
25 emotional connection in that particular part of the

1 talk.

2 Q. Okay. Thank you.

3 (Whereupon, Plaintiff's
4 Exhibit 5 was marked for
5 identification.)

6 BY MR. CROSS:

7 Q. All right. Grab the next exhibit, please,
8 if you would, Exhibit 5.

9 A. Bear with me.

10 UNIDENTIFIED SPEAKER: It'd really
11 help if you were --

12 THE WITNESS: Hold on.

13 UNIDENTIFIED SPEAKER: -- managing
14 that.

15 THE WITNESS: Oh, sorry. Okay. All
16 right. I pulled it up.

17 BY MR. CROSS:

18 Q. All right. And you see that this is
19 entitled State Defendants' Objections and Responses
20 to Curling Plaintiffs' First Set of
21 Interrogatories?

22 A. Yes.

23 Q. And if you come down to the very last
24 page, you'll see that there's a verification of the
25 responses that you signed, looks like July of 2019.

1 Do you see that?

2 A. I don't know if I signed it July -- on
3 July 19th, but -- July of '19, but I know I did
4 sign this.

5 Q. Okay. All right. Come down to
6 interrogatory number seven, please, which is at the
7 bottom of --

8 A. Do you know what page that's on to make it
9 a little easier?

10 Q. Yeah. It starts at the bottom of Page 9.

11 A. Bear with me. I'm not used to this
12 computer, so I'm having to navigate.

13 Q. Okay.

14 A. The one that says, "describe with
15 specificity each alternative system"?

16 Q. You know what, I'm sorry. I jumped too
17 far. Go to interrogatory number two.

18 A. Number two, okay.

19 Q. Yeah. It's at Page 3. Just let me know
20 when you've got that part.

21 (Whereupon, the document was
22 reviewed by the witness.)

23 THE WITNESS: I'm on the question
24 now. I've read the question.

25 BY MR. CROSS:

1 Q. Okay. So you see interrogatory number two
2 states:

3 "Describe with specificity each
4 known, attempted or suspected security
5 vulnerability or security breach
6 involving any part of the election
7 system since Georgia adopted and
8 implemented D.R.E.s..."

9 Do you see that?

10 A. Yes.

11 Q. And then if you come down to the response,
12 come down to the top of Page 4, you see the
13 paragraph that reads, "subject to and without
14 waiving the foregoing objection"?

15 A. Yes.

16 Q. And the response indicates:

17 [As read] "State defendants state
18 that the incident involving Kennesaw
19 State University" or "(K.S.U.) Web
20 server and the hacking attempt by
21 Logan Lamb, information regarding both
22 of which is already well known to
23 Curling plaintiffs, are the only
24 incidents responsive to this
25 interrogatory."

1 Do you see that?

2 A. Yes.

3 Q. What investigation was undertaken at the
4 Secretary's office to prepare that response to this
5 interrogatory?

6 A. Specifically I'm a -- it's my dealing with
7 the -- our attorneys and then with relevant staff.

8 Q. What staff?

9 A. Mainly, in that particular case, and this
10 is D.R.E. time, it's really Michael Barnes would
11 have been the main person to deal with anything
12 around those.

13 Q. Was there anything else done? For
14 example, did you engage any cybersecurity experts
15 or other election security experts to do any
16 assessment of the election system to answer this
17 interrogatory?

18 A. Not to my knowledge.

19 Q. All right. You can put that aside.

20 Sorry. I'm just trying to get the next
21 one here.

22 (Whereupon, Plaintiff's
23 Exhibit 6 was marked for
24 identification.)

25 BY MR. CROSS:

1 Q. All right. Grab Exhibit 6, if you would,
2 please.

3 A. Okay. All right. I have it up.

4 Q. And do you see that this is the State
5 Defendants' Responses and Objections to Curling
6 Plaintiffs' Second Set of Interrogatories?

7 A. Yes, sir.

8 Q. And if you come down to Page 24 of the
9 P.D.F., you'll see a verification that you signed
10 for this as well.

11 A. Yeah.

12 Q. And that one, do you see it's dated August
13 23rd, 2021? Do you see that?

14 A. Yes.

15 Q. Okay. And then if you come to the next,
16 Page 25 of the P.D.F., just beyond your
17 verification, do you see where it says
18 interrogatory number 15?

19 A. One moment, please. I'm sorry. I was
20 going the other direction assuming that was the way
21 you were going, so let me --

22 Q. Oh.

23 A. -- scroll back down.

24 Q. Sorry.

25 A. That was my fault for making an

1 assumption. Okay. So I'm on Page 24 of 32,
2 interrogatory number 15.

3 Q. Yeah. And do you see where it says --
4 right. So you've got interrogatory number 15. And
5 do you see that you've got requests for 15, 16, 19
6 and 20 and 21, 24, 25?

7 They continue for a few pages. Do you see
8 that?

9 A. Yeah. I mean, I see it. And I saw it
10 before. But that's -- do you want me to read it
11 in -- for specificity in the case now or just
12 acknowledging that I've seeing this.

13 Q. Just right now I'm just asking if you've
14 seen it. And then if you come on beyond that,
15 you'll get to a heading that says Response to
16 Revised Interrogatory 15.

17 Do you see that?

18 A. Yes.

19 Q. And then you see that there are responses
20 from state defendants to those revised
21 interrogatories that go through the end of the
22 document.

23 Do you see that?

24 A. All the way to the end?

25 Q. Yeah.

1 A. Responses, yes, I see that.

2 Q. Okay. Have you seen these revised
3 interrogatories and the responses before now?

4 A. Yeah.

5 Q. When did you see them?

6 A. I think in preparation for this
7 deposition, spitballing, two or three weeks ago
8 when I saw these revised ones again. I might have
9 seen them before, but I remember going over them
10 again a couple weeks ago, two or three weeks ago.

11 Q. Okay. And let me just pause there for a
12 moment. What did you do specifically to prepare to
13 be a corporate representative on the designated
14 topics today?

15 A. Meeting with the attorneys and then
16 dealing with different staffers within the office,
17 specifically, you know, Merritt Beaver, Michael
18 Barnes, Ryan Germany on our side, to kind of go
19 over some of these things.

20 Occasionally, I think I might have had --
21 gone to Blake Evans for some stuff. But in gen --
22 just basically talking to other staffers and
23 looking over what the questioning was going to be
24 around.

25 Q. When did you start that process?

1 A. To me it's kind of an ongoing process.
2 Because I'm dealing with them all the time on
3 different things that were tangential or con --
4 directly substantive to this.

5 But probably, you know, well over a month
6 ago, probably two months ago, if not even before
7 that to a degree. Because we knew this was -- I
8 think at that point we'd -- I don't know if I was
9 "named" named as the 30(b)(6) for this, but we knew
10 it was a likelihood that I would be called for some
11 of these kind of things, so just kind of refreshing
12 my memory on some of the stuff we'd done previously
13 and then kind of going over some of the specifics.

14 Q. Is there anyone you met with or spoke with
15 to prepare for your testimony today beyond
16 Mr. Beaver, Mr. Germany, Mr. Barnes, Mr. Evans or
17 counsel?

18 A. Not specifically, no. And to -- but I
19 could have met with people that some of their
20 information might feed some of the responses to
21 this, but it wasn't specifically for that purpose.

22 Q. Okay. And what did you discuss with
23 Mr. Beaver to prepare for today?

24 A. If memory serves, we were really talking
25 about operating systems, you know, noting that the

1 B.M.D. runs on an Android-based system, whereas our
2 old systems were Windows-based, things along those
3 lines with Mr. Beaver.

4 Q. What did you discuss with Mr. Barnes to
5 prepare for today?

6 A. Kind of some history on D.R.E.s, you know,
7 how we do ball -- the ballot building, the
8 transfers, and then how we get information back in
9 to then certify the elections, things along those
10 lines.

11 Q. How long was your discussion with
12 Mr. Barnes --

13 A. I couldn't --

14 Q. -- approximately?

15 A. -- tell you. A couple hours maybe. I
16 mean, it wasn't like we sat and talked for two
17 hours, but it was over a couple-of-hour period, you
18 know, I call and call back, that kind of thing.

19 Q. I see. And what about Mr. Beaver?

20 A. You've met Mr. Beaver before. His -- he
21 speaks nearly as fast as I do. And a lot of it is
22 popping into the office, going over things and
23 going back out, following up.

24 So over a period of time, again, another
25 few hours off and on, but it was over a period of

1 time just because we both generally tend to be
2 staccato in our way of communicating with each
3 other.

4 Q. Okay. And what did you discuss with
5 Mr. Evans in preparation for today?

6 A. In general, sort of like how is our
7 training looking right now or what are we doing on
8 those fronts. And not directly involved in this,
9 but since training is about mitigation, you know,
10 he and I are dealing with we reorganized how we
11 have the elections division set up, we set up
12 another training center down in Macon, things along
13 those lines.

14 Q. And what does training -- how does that
15 pertain to mitigation?

16 And when you say --

17 A. How --

18 Q. -- "mitigation," do you mean election
19 security?

20 A. Election security and just overall good
21 processes and good handling. And again, it's not
22 just cyber; it's everything. It's -- because we
23 still have the issue of the -- one of the things we
24 saw coming out of 2020 was the first time in
25 literally 20 years that there were paper ballots.

1 And some counties were better than others
2 at handling -- at doing their reconciliations and
3 handling the paperwork and doing those things
4 properly.

5 And you know, some generalized discussions
6 around the audit slash hand tally. And then what
7 would audits look like going forward and some other
8 discussions around those fronts. There's other
9 things, too, but those are the ones that come top
10 of mind to answer your question.

11 Q. Okay. Is there anything else that comes
12 to mind that you recall discussing with Mr. Evans
13 for today?

14 A. Not off the top of my head, no. I'm
15 sorry.

16 Q. And when did you talk with Mr. Evans for
17 today's deposition?

18 A. Again, they sort of blend together.
19 There's regular work and there's also, hey, by the
20 way. So it was off and on over the last three or
21 four weeks again, just, you know, hey, what about
22 this, and as I reviewed things in the middle.

23 Then it -- the time I normally spent on
24 preparing for this in a specific way was when I
25 would sit down with the attorneys. We'd kind of go

1 through these things, we would occasionally then
2 call -- the biggest one was calling Michael Barnes.
3 That was one where we had a lot of the back and
4 forth.

5 Q. So you had a call with Michael Barnes
6 while you were meeting with the lawyers to prepare
7 for today; is that right?

8 A. I think it was multiples on the same day,
9 but yes.

10 Q. Okay. During any of your meetings with
11 the lawyers to prepare for your deposition today,
12 did you call anyone else?

13 A. Not that I recall.

14 Q. What did you discuss with Mr. Germany to
15 prepare -- to prepare for today?

16 MR. BARGER: And just to the extent
17 it's something that's privileged, I'm
18 going to object.

19 THE WITNESS: He kind of gave me the
20 rundown of what 30(b)(6) meant, because
21 I'm not an attorney, and the generalized
22 kind of these are the areas you're going
23 to be going over.

24 It was sort of a in a deposition,
25 this is how you do it. Because in my last

1 deposition, I was doing it in my personal
2 capacity and it was a little bit
3 different, I think. And just sort of
4 generalized kind of how do you -- how do
5 you approach these things.

6 BY MR. CROSS:

7 Q. Okay. Let me ask the question this way.
8 Is there any information you received from
9 Mr. Germany that you're relying on to testify about
10 on the topics that you were designated today?

11 And I don't mean, like, deposition
12 process. I mean substantive facts that you're
13 providing on behalf of the office on those topics.

14 A. I would have to -- depending on the
15 questions I get, nothing so far I've gone over.
16 But I think there was some of the things we went
17 over as far as how the laws were pulled together
18 and things we might be looking at on some of those
19 things.

20 Like, I didn't have -- it's hard to
21 separate general work product and general dealing
22 with our attorneys and then this. They all kind of
23 blend together in certain parts of the role.

24 Q. Okay. What factual information did you
25 obtain from Mr. Germany in preparation for your

1 deposition today pertaining to the topics, if any?

2 A. I know I -- I know I've probably gotten
3 some. But unless you ask me a specific question, I
4 probably couldn't point back to it.

5 Q. Okay. So there's nothing that immediately
6 comes to mind; is that fair?

7 A. Correct.

8 Q. Did you review any documents in
9 preparation for your testimony today as a corporate
10 representative?

11 A. Yes.

12 Q. What did you review?

13 A. I remember there were some E-mails, some
14 of the earlier interrogatory answers. Let's see.
15 Some other correspondence. But this -- those
16 general things kind of related to the questioning
17 on some of the stuff we already produced that I
18 might not have seen in a while or not seen at all
19 before, those types of items.

20 But I would have to look at it to tell
21 you, yes, this was for that purpose.

22 Q. Describe as specifically as you can the
23 documents. Put aside the discovery responses, the
24 interrogatories, the E-mails and other things that
25 you reviewed for today.

1 A. E-mails of correspondence.

2 Q. Like, E-mails with whom, regarding what?

3 A. I remember the -- the one that I hadn't
4 seen before was the one from -- a couple from
5 Michael Barnes. I didn't see any of my own that I
6 recall seeing during the -- during the prep. And I
7 think there might have been some O.E.B.s at some
8 point we looked at -- I'm sorry, Official Election
9 Bulletins, things like that.

10 But I, again, it's going -- been going on
11 over, like, a couple of months. And then with the
12 attorneys, you know, specifically I -- if I didn't
13 understand something or didn't see something, I
14 would say, well, what is this, what are they
15 referring to here, and they would show me some
16 documents.

17 Again, I remember E-mails and a couple
18 other things, but there wasn't too much outside of
19 that.

20 Q. So you can't recall, like, specifically
21 particular documents you looked at other than the
22 discovery -- the interrogatory responses and a
23 couple E-mails from Mr. Barnes; is that right?

24 A. Yeah. Off the top of my head, yeah. I'm
25 sure there's a couple other things. But I mean,

1 those are the ones where I kind of had to re --
2 either refresh my memory or be shown them for the
3 first time.

4 Q. What did the two E-mails with Mr. Barnes
5 concern?

6 A. I remember one was specifically where
7 there was sort of an ambiguous E-mail from him
8 about use of, what do you call it, media that they
9 already had. That was one that there was a
10 specific thing that -- and then there was another
11 one that I can't recall right now. That one stuck
12 out in my mind.

13 Q. Okay. All right. Take a look at, if you
14 still have the exhibit in front of you, the revised
15 interrogatory responses, and take a look at --

16 A. Okay.

17 Q. -- take a look at 15. And if you come to
18 the second paragraph that begins "additionally," do
19 you see that?

20 A. One moment, because I'm back in the
21 questions again. So where am I looking? I'm on
22 Page 29 of 32. So where am I looking on this?

23 Q. Do you see the heading Response to Revised
24 Interrogatory 15?

25 A. Yes.

1 Q. And then you'll see the second paragraph
2 that begins "additionally"?

3 A. Yes.

4 Q. And the last sentence there reads:

5 "You asked state defendants to
6 'describe with specificity each
7 successful or attempted instance of
8 unauthorized access to or copying or
9 alteration of' the following."

10 And then there's a list of various types
11 of computer equipment in the election system. Do
12 you see that?

13 A. Yes.

14 Q. And then if you come down to the next page
15 at the end of the lettered bullets, do you see
16 the --

17 A. Yes.

18 Q. -- the paragraph that begins, "as you
19 know"?

20 A. Yes.

21 Q. And the last sentence in that paragraph
22 reads:

23 "To investigate each of these
24 interrogatories is extremely
25 burdensome and would require

1 significant time."

2 Do you see that?

3 A. Yes.

4 Q. Did I understand correctly that the state
5 defendants, including the Secretary's office, did
6 not undertake such an investigation for this
7 response?

8 A. As we point out in the response itself,
9 these are in the possessions of the counties, and
10 there's over 30,000 of them. So I think the
11 statement that it would be burdensome and require
12 significant time and resources still applies.

13 So we did not send anybody to go and look
14 at each individual B.M.D. or each individual E.M.S.
15 and printers and scanners, et cetera, that are
16 listed in the lettered items above, correct.

17 Q. And then if you come to the very last
18 paragraph there, above the heading regarding
19 interrogatory 16, it reads:

20 "In an effort to provide
21 information responsive to this
22 request, state defendants respond that
23 they do not have knowledge of any
24 election equipment used with the
25 Dominion election system being hacked

1 in an election in Georgia."

2 Do you see that?

3 A. Yes.

4 Q. And do I understand correctly, there was
5 not a specific investigation undertaken for that
6 response; is that right?

7 A. Well, I think the statement there kind of
8 stands on itself, that we were unaware of anything
9 that was reported or anything. We have no evidence
10 of anything. So that I think this, again, stands
11 on its own.

12 Q. Right. But you didn't undertake a
13 particular investigation or an inquiry to prepare
14 that response, you just relied on what you'd
15 already known or did not know as of that date;
16 right?

17 A. We relied on the fact that there was no
18 reports of anything untoward along those lines.
19 And we had done a lot of the other things that we
20 mentioned earlier, which included the hand tally,
21 which included the L & A, which included the hash
22 testing and those kind of items.

23 So things were done, not necessarily at
24 the request of this specific interrogatory, that
25 could give us the ability to say we are not aware

1 of any issues regarding what's being alleged or
2 asked here.

3 Q. So in preparing this response, for
4 example, you did not go, and before you verified
5 it, you didn't go and review investigative files or
6 speak with Frances Watson or others in the
7 investigative department; right?

8 A. I personally didn't. However, employees
9 together, staff, Mr. Germany, Blake, Frances at the
10 time, she's no longer with the office, obviously,
11 I'm sure they were all discussed with them, and it
12 was represented to me that we have no knowledge.

13 And I am still aware of no alleged actual
14 acts other than some of the claims made by the
15 President, some of their failed lawsuits. So I
16 have no evidence of anything like that happening --
17 former president, pardon me.

18 Q. But when you verified this, you relied on
19 the representations from counsel that this was
20 accurate; is that right?

21 A. And staff.

22 Q. What staff?

23 A. State staff.

24 Q. Sorry. Who specifically?

25 A. Mr. Germany. I mean, everybody involved

1 in pulling these together, which my assumptions
2 were would be our investigations division,
3 Mr. Germany working with our counsel and, you know,
4 working with our elections divisions.

5 Again, we've seen no evidence of that in
6 the state of Georgia.

7 Q. I just want to make sure I understand that
8 you're assuming that people in the investigation
9 division or otherwise were consulted in preparing
10 this response, you did not personally confirm that;
11 right?

12 A. I did not personally go to our acting
13 person and ask that question, no.

14 Q. Okay. And you did not personally confirm
15 with counsel, for example, that they or anyone else
16 had consulted the investigations division for this
17 answer; right?

18 MR. RUSSO: And I'm just going to
19 object to the extent it calls for
20 attorney-client privileged communication.

21 THE WITNESS: Again, it's sort of
22 like a dog that didn't bark. It wouldn't
23 occur to me that anything would be
24 represented to me incorrectly.

25 BY MR. CROSS:

1 Q. And I'm not suggesting that it's
2 incorrect. I just want to understand what you're
3 relying on, Mr. Sterling, versus what you're
4 assuming. That's all I'm trying to get at.

5 A. Okay.

6 Q. So for this response, you did not confirm
7 with counsel or others that, in preparing this
8 response, someone actually consulted the
9 investigations department. That's something you're
10 assuming happened. You don't know that it
11 happened.

12 Is that right?

13 A. That is correct. I am making an
14 assumption of that particular, very specific
15 statement, yes.

16 Q. Okay.

17 A. But also, outside of that I have my own
18 basic knowledge that I talked to the investigators
19 and the chief investigator and the acting chief
20 investigator. And I'm making an assumption there
21 that if some -- if there was a claim of a hack or
22 there was evidence of it, it would have kind of
23 bubbled up to the top to begin with. And I am not
24 aware of anything like that. So it didn't occur to
25 me to say, are you sure?

1 Q. Yeah. But the -- we've seen that
2 information regarding the security of the election
3 system does not always get shared with folks across
4 the office, including yourself; right?

5 MR. RUSSO: Objection to form.

6 THE WITNESS: And again, in the
7 investigation side, I don't have -- that
8 statement is not the case.

9 BY MR. CROSS:

10 Q. So you're saying you have complete
11 visibility into everything that the investigations
12 department and the Secretary does, what they
13 investigate, how they investigate and what they
14 find with respect to election security?

15 A. No. What I said was, if something had
16 reached that level of what would be an accused
17 hacking or anything like that, again, in all
18 likelihood my assumption is it would have bundled
19 up -- bubbled up to the senior leadership, and that
20 did not happen.

21 Q. And yet it did not bubble up to senior
22 leadership that Dr. Alex Halderman had created a
23 nearly hundred-page report identifying
24 vulnerabilities with the election system in July of
25 2021; right?

1 MR. RUSSO: Objection.

2 THE WITNESS: I believe -- I don't
3 believe I said that. We were aware that
4 happened. It's inside of a lawsuit, which
5 is litigation, which is a different animal
6 than the actual regular functioning of the
7 office.

8 BY MR. CROSS:

9 Q. So information that's developed in a
10 lawsuit is treated differently than information
11 that arises in the ordinary course; is that right?

12 A. I would say in a general statement that
13 that's correct, yes.

14 Q. All right. And the response here refers
15 to being "hacked in an election in Georgia." Do
16 you see that?

17 A. In the final sentence, yes.

18 Q. Yeah. If you come back to the request,
19 which is quoted in that second paragraph we read
20 earlier, "describe with specificity each successful
21 or attempted instance of unauthorized access to or
22 copying or alteration of" the following equipment,
23 I just want to make sure we're not missing each
24 other on terminology.

25 As a representative of the Secretary of

1 State's office, as the individual who verified the
2 responses to these interrogatories, are you aware
3 of any successful instance of unauthorized access
4 to or copying or alteration of data or software on
5 any equipment used with the Georgia election
6 system?

7 MR. RUSSO: Objection to form.

8 THE WITNESS: I am not.

9 BY MR. CROSS:

10 Q. Okay. And would that include, for
11 example, like, the voter registration system?

12 A. Yes.

13 Q. Okay. Are you aware of any attempted
14 instance of unauthorized access to or copying or
15 alteration of the election system in Georgia?

16 MR. RUSSO: Objection to form.

17 THE WITNESS: It depends on what
18 you're defining as the election system in
19 Georgia. I mean, there was the Logan Lamb
20 issue. There is, if I remember correctly,
21 around that that was really about an
22 F.T.P. site, not the actual registration
23 system itself.

24 So I want to be careful by answering
25 these things. I'm unaware of anybody

1 actually getting into the registration
2 system itself or even attempting other
3 than people -- oftentimes we see people go
4 to SOS.GA.gov assuming they're finding a
5 way to get there.

6 And you know, we have thousands of,
7 you know, I guess they call them hits,
8 some people trying to do things on that
9 front. But that's not any good -- that's
10 no way to get to the actual ENet system.

11 So again, I'm not aware of anybody
12 getting to a point where we could say,
13 yes, that was an attempt to actually get
14 to the registration system itself.

15 BY MR. CROSS:

16 Q. All right. Let me pull the next exhibit.

17 A. Let me know when it's there.

18 Q. Okay.

19 (Whereupon, Plaintiff's
20 Exhibit 7 was marked for
21 identification.)

22 BY MR. CROSS:

23 Q. All right. You should have Exhibit 7.

24 A. First Requests for Admission?

25 Q. Yes.

1 A. Okay.

2 Q. Have you seen this document before?

3 A. I don't know that I've seen this one
4 before.

5 Q. Okay. You can see this is State
6 Defendants' Responses to Curling Plaintiffs' First
7 Requests for Admission; right?

8 A. Yes, I see that.

9 Q. Okay.

10 A. The problem I'm having now, I've seen so
11 many of these that kind of look alike, that naming
12 convention doesn't strike -- first requests for
13 admission, I don't recall seeing that, but I might
14 have seen this.

15 Q. All right. Take a look at -- if you come
16 to Page 2, you'll see where the requests and the
17 responses start, and you'll see number one there.
18 Do you see that?

19 A. Under Objections and Responses to
20 Requests?

21 Q. Yes.

22 A. Yes, I've got it.

23 Q. And you see the first one here reads:

24 [As read] "Admit that Deputy

25 Secretary of State Jordan Fuchs was

1 not aware of any federal judge finding
2 that Curling plaintiffs have zero
3 credibility when she made the
4 following statement on October 2020,
5 'other federal judges have more
6 accurately found that these same
7 activists and experts who are'"
8 spending disinformation -- "'spreading
9 disinformation in Georgia have zero
10 credibility.'"

11 Do you see that?

12 A. Yes.

13 Q. And if you come down to the response,
14 you'll see at the end of the response paragraph at
15 the top of the next page the request is denied?

16 A. I'm trying -- I see response, "state
17 defendants object to this request." That's at the
18 end of Page 2. And where are you telling me to
19 look?

20 Q. Go to the top of Page 3. The last
21 sentence of that paragraph before the second
22 request, do you see the end of that says "the
23 request is denied"?

24 A. "Subject to and without waiving
25 the foregoing objections, the request

1 is denied."

2 Yes.

3 Q. Do you know what the basis is for that
4 denial?

5 A. I do not.

6 Q. As you sit here, are you aware of any
7 federal judges that have found that my clients,
8 Donna Curling, Donna Price, Jeffrey Schoenberg, or
9 any of their experts, Dr. Halderman, Dr. Andrew
10 Appel or others, have zero credibility?

11 MR. RUSSO: Objection. Form.

12 THE WITNESS: I'm not personally
13 aware of that, no.

14 BY MR. CROSS:

15 Q. And that's not something you discussed
16 with Jordan Fuchs?

17 A. No.

18 Q. All right. Take a look at number eight,
19 which is on Page 7, please. Just let me know when
20 you've got it.

21 A. I'm there, yeah.

22 Q. And number eight reads:

23 "Admit that the Secretary of
24 State's office did not work with a
25 consulting cybersecurity firm to

1 conduct an in-depth review and formal
2 assessment of the election system."

3 Do you see that?

4 A. Yes.

5 Q. And if you come down to under eight, you
6 see the last sentence for the response reads:

7 "Because the Secretary of State's
8 office worked with consultants that
9 reviewed and assessed the State's
10 election system, this request is
11 denied."

12 Do you see that?

13 A. Yes.

14 Q. What consultants are referred to here that
15 reviewed and assessed the State's election system?

16 A. I don't know. But we do have a contract
17 with Dominion voting systems that they -- we have
18 to work with them, and it's on their responsibility
19 to keep us up to the highest level of security
20 possible and make us aware of any issues that may
21 come forth.

22 Q. Are there any vendors or consultants that
23 you can think of for this response apart from
24 Dominion?

25 A. Perhaps Fortalice, but I don't know.

1 Q. You're not aware of any assessment like
2 that's called for in request eight by Fortalice; is
3 that right?

4 A. I'm sorry. You -- somebody was scraping
5 when you were talking. I couldn't quite --

6 Q. Oh, I'm sorry.

7 A. -- hear you.

8 Q. Yeah. Sorry. The cybersecurity
9 assessment that's referred to in request eight,
10 you're not aware of any assessment like that by
11 Fortalice, though; right?

12 A. Specifically, no, I'm not. I know that
13 they're -- they are our kind of go-to for those
14 things. And then, of course, everything is
15 reviewed by Pro V & V as well for the certification
16 by the State.

17 Q. All right.

18 A. And with that, it's 1:12. I apologize. I
19 have to use the restroom real quick, so I'll be --
20 if we can do three minutes and be back at 1:15,
21 does that work?

22 Q. That works.

23 A. All right. Thank you. I apologize.

24 Q. Sure.

25 THE VIDEOGRAPHER: Off the record at

1 1:12.

2 (Whereupon, a discussion ensued
3 off the record.)

4 (Whereupon, there was a brief
5 recess.)

6 (Whereupon, Ms. Connors joined the
7 deposition.)

8 THE VIDEOGRAPHER: And we are back on
9 the record at 1:15.

10 BY MR. CROSS:

11 Q. Okay. Sticking with the R.F.A. responses
12 here, Mr. Sterling --

13 A. And which number are we on?

14 Q. Go to number 25 on Page 16. I tell you
15 what, actually, just jump to number 27.

16 A. Okay.

17 Q. Start there.

18 A. Okay.

19 Q. Here it reads:

20 [As read] "Admit that you did not
21 develop procedures -- did not develop
22 procedures or take other action to
23 address any of the deficiencies found
24 by the Court in its August 15, 2019
25 order concerning the voter

1 registration database."

2 Do you see that?

3 A. Yes.

4 Q. And the response at the end indicates the
5 state defendants -- they object because "it
6 requires state defendants to admit or deny an issue
7 in dispute in this case in order to respond."

8 Do you see that?

9 A. Yes, I do.

10 Q. Do you know whether the Secretary's office
11 took -- developed any procedures or took other
12 actions that are described in request number 27?

13 A. I do not know that -- I do not know. From
14 reading the specific thing, other deficiencies
15 found by the Court in August 15, 2019, no, I do not
16 know one way or the other.

17 Q. Come back up to 25, please.

18 A. Okay.

19 Q. 25 reads:

20 "Admit that you did not develop
21 procedures or take other action to
22 address all the deficiencies found by
23 the Court in its August 15, 2019 order
24 concerning the election system."

25 And it's got a similar response which

1 state the clients can't answer one way or the
2 other. Do you know whether any such procedures or
3 actions were taken?

4 MR. RUSSO: Objection to form.

5 THE WITNESS: I know we're always
6 updating procedures and actions. Whether
7 they were in response to the August 15,
8 2019 finding of the Court, I do not know
9 the answer to that.

10 BY MR. CROSS:

11 Q. Okay. All right. Come to number 43,
12 please, on Page 26.

13 A. I've got it.

14 Q. And here it reads:

15 "Admit the D.R.E. system is
16 completely separate from the B.M.D.
17 system."

18 Do you see that?

19 A. Yes.

20 Q. And the response is:

21 "...state defendants admit that
22 the B.M.D. system is separate from the
23 D.R.E. system."

24 Do you see that?

25 A. Yes.

1 Q. And then in 44, which is the inverse of
2 43:

3 "Admit the D.R.E. system is not
4 completely separate from the B.M.D.
5 system."

6 Do you see that?

7 A. Yes.

8 Q. And there's the same response:

9 "...state defendants admit that
10 the B.M.D. system is separate from the
11 D.R.E. system."

12 Do you see that?

13 A. Yes.

14 Q. Why is the Secretary's office either
15 unwilling or unable to state whether the B.M.D.
16 system is completely separate from the D.R.E.
17 system?

18 MR. RUSSO: Objection to form.

19 THE WITNESS: I'm looking at the
20 response to 43 where it says:

21 "State defendants admit the B.M.D.
22 system is separate from the D.R.E.
23 system."

24 So I don't understand the basis of
25 your statement.

1 BY MR. CROSS:

2 Q. Well, the request is whether the B.M.D.
3 system is completely separate from the D.R.E.
4 system. The response indicates it's separate; it
5 does not say "completely."

6 So I'm trying to understand, is that -- is
7 that a deliberate omission because there's some
8 concern about "completely"?

9 MR. RUSSO: Objection to form again.

10 THE WITNESS: I don't have an answer
11 as to why the word "completely" is not
12 there, because they are separate. I mean,
13 they're completely different machinery,
14 different equipment, different operating
15 systems. I mean, they are separate. So I
16 don't know of any better way to state
17 that.

18 BY MR. CROSS:

19 Q. Well, based on your experience
20 implementing the B.M.D. system, would it be fair to
21 say that the B.M.D. system and the D.R.E. system
22 are completely separate?

23 MR. RUSSO: Again, objection to form.

24 THE WITNESS: Again, I think separate
25 and completely separate is -- I don't know

1 what hair splitting that could be. They
2 are separate.

3 BY MR. CROSS:

4 Q. So come to request 51.

5 A. Okay.

6 Q. And here it states:

7 "Admit that the B.M.D. system is
8 not completely separate from the ENet
9 system."

10 Do you see that?

11 A. Yes.

12 Q. Here the response just unequivocally
13 denies that request. Do you see that?

14 A. I do. I'm reading it real quick. Bear
15 with me.

16 (Whereupon, the document was
17 reviewed by the witness.)

18 THE WITNESS: Yes, I see that.

19 BY MR. CROSS:

20 Q. So what I'm trying to understand is
21 whether something is intended with respect to these
22 three responses. Because the State would not say
23 that the B.M.D. system is completely separate from
24 the D.R.E. system, but here it does say that the
25 B.M.D. system is completely separate from the ENet

1 system.

2 So is there --

3 MR. RUSSO: Objection --

4 BY MR. CROSS:

5 Q. Is there some sort of connections or
6 overlap or integration or interaction between the
7 B.M.D. and the D.R.E. systems?

8 A. No, there is not.

9 Q. So do you know why they could -- why the
10 State can say the B.M.D. system is completely
11 separate from the ENet system but can't say the
12 same with respect to the old D.R.E. system?

13 A. I'm not trying to be difficult, but I --
14 it seems to me they're admitting it but the word --
15 the lack of the word "completely," which doesn't
16 meet the level that you would like to be met is
17 essentially what I'm hearing.

18 Is that correct? Am I stating that
19 properly?

20 Q. I'm just trying to understand whether this
21 is -- whether this is indicative of something that
22 we're missing. That's all I'm trying to get at.

23 A. I don't think so. I think this is just
24 lawyers and language and lawyers and language.
25 There's -- I don't think there's anything that's

1 trying to be accomplished by the lack of that word,
2 no.

3 Q. Okay. Okay. All right. So you're not
4 aware of any interactions, connections or overlap
5 of -- between the data, the equipment or the
6 software from the old D.R.E. system and the new
7 B.M.D. system; is that fair?

8 MR. RUSSO: Objection to form.

9 THE WITNESS: Vince, I'm sorry --

10 MR. RUSSO: I just said, "objection
11 to form."

12 THE WITNESS: Okay. That would be a
13 fair statement, yes.

14 BY MR. CROSS:

15 Q. All right. Come to 65, please.

16 A. Okay. Okay.

17 Q. And you see 65 says:

18 "Admit that security deficiencies
19 or vulnerabilities identified by
20 Fortalice with the ENet system have
21 not been fully mitigated."

22 Do you see that?

23 A. I do. I'm reading it real quick.

24 (Whereupon, the document was
25 reviewed by the witness.)

1 THE WITNESS: Okay.

2 BY MR. CROSS:

3 Q. And you see the response, the State did
4 not answer this one way or the other. They don't
5 admit or deny it.

6 Do you know whether security deficiencies
7 or vulnerabilities that Fortalice identified with
8 the ENet system, whether they have been fully
9 mitigated?

10 A. I know with pretty -- with a lot of
11 certainty that, if not all, the vast majority have.
12 I remember we had a discussion with Merritt about
13 this, God, a while back.

14 And I can't speak to what specifically
15 they were at this point because it's been so long,
16 but I know there were several things that were done
17 on how we managed permissions and passwords and the
18 like. And I remember there were some bad practices
19 at the county level in some cases where, like, they
20 would have multiple people on a single user ID and
21 password. That's been stopped.

22 They -- now, if you don't log in for I
23 believe it's 30 days, those credentials are lost.
24 They have to be -- you have to be re-upped.
25 There's multi-factor authentication on all those

1 things.

2 So I do know the vast majority -- I can't
3 recall what they all were. I do know that the vast
4 majority of those were addressed inside prior to
5 the 2020 election, if memory serves.

6 Q. As you sit here, you're not aware of which
7 of those deficiencies remains outstanding today; is
8 that right?

9 A. Or if any, honestly.

10 Q. Okay. All right. Come to 74, please.

11 A. Okay.

12 Q. And here it states:

13 "Admit there was no systematic
14 method of tracking the number of
15 Georgia voters that complained that
16 the B.M.D. print-out for their
17 respective votes did not match the
18 selections they each made on the
19 corresponding B.M.D. in the November
20 2020 election."

21 Do you see that?

22 A. Yes.

23 Q. And if you come to the second-to-the-last
24 sentence under response, you're welcome to read the
25 whole thing, but that second-to-last sentence says:

1 "State defendants further deny
2 that it does not keep track of
3 complaints made to state defendants."

4 Do you see that?

5 A. Yes.

6 Q. Is there some sort of a systematic method
7 or process that the Secretary's office has to keep
8 track of instances where voters complained that
9 their B.M.D. print-out did not reflect the
10 selections they made on the B.M.D.?

11 A. There are the -- they're supposed to --
12 for spoiled ballots, they are supposed to, the
13 counties are supposed to inside the poll locations
14 use the spoil ballot. I think there's a form,
15 there's a recap form that's supposed to list out
16 what happened with these particular ones.

17 I will say that we didn't have very many
18 at all out of the five million, or I guess the
19 three million in per -- or sorry, 3.75 million
20 in-person votes that would have been done on a
21 B.M.D. that had those situations.

22 But the -- they're supposed to be using
23 the ballot recap forms to track spoiled ballots,
24 yes.

25 Q. And what happens to a spoiled ballot?

1 Where does it go?

2 A. It should be held with, as I understand
3 it, the other documentation and ballots for the
4 election with a kind of a recap form basically
5 saying this is what happened with these ballots.

6 Q. Do the counties keep those?

7 A. Yes. And then if memory serves, this
8 would go along with the other things that are
9 transferred to the Superior Courts, and they hold
10 them for the 22 months after that.

11 Q. But the only -- the only reporting that
12 the Secretary gets of this type of concern where a
13 voter says that the B.M.D. print-out doesn't
14 reflect their selections, you learn about that only
15 if the county conveys that to the Secretary; is
16 that right?

17 A. Correct.

18 Q. Okay. But there's no systematic method or
19 requirement for counties to convey that?

20 A. Again, they have the ballot recap forms.
21 And there may be something in the paperwork they
22 send up, but I don't recall one specifically, for
23 that very narrow purpose, no.

24 Q. Okay. One of -- one of the issues that
25 arose with the new system in 2020 elections was

1 that sometimes the printers would print two ballots
2 when the voter would vote.

3 Are you aware of that?

4 A. Not two ballots. What I was aware of is
5 that they would print one with, like, just a Q.R.
6 code and another one with the readable parts
7 together. They would come out as two ballots. So
8 I was aware that that happened in a very few
9 instances, yes.

10 Q. And when that happened, was there any
11 investigation undertaken, like, a forensic
12 examination of the machines involved?

13 A. I believe in a couple of those cases they
14 went and pulled the log files. I'm not sure what
15 happened after that off the top of my head.

16 Q. If you wanted to know, who would you ask?

17 A. I would probably call Dominion, because I
18 think they were the ones that would have to pull
19 those log files.

20 Q. So you're not aware of an examination of
21 the machines involved apart from the log files?

22 A. Well, the log files would show you what
23 happened and why it happened. So there wouldn't
24 need to be much beyond that, normally speaking, as
25 my understanding is.

1 Q. And what's the basis for the understanding
2 that the log files would tell you why that
3 happened?

4 A. Because the log files basically track
5 everything that happens inside the system, and you
6 can -- for smart people who understand those
7 things, they can kind of walk through and see what
8 happened as to -- to cause that kind of issue.

9 Q. Was any of the equipment that that
10 happened with, do you know whether any of that
11 equipment was taken out of use in the elections?

12 A. I believe that in real time when that
13 happened, I do -- I have a recollection of there
14 being at least one county that took one of those
15 machines and just put it off to the side and didn't
16 use it the rest of the day. I cannot recall what
17 county that was off the top of my head right now.

18 Q. But the other counties or the other
19 machines, they didn't take them off-line?

20 A. I don't know. I know specifically that
21 one did, but I cannot recall what the other ones
22 may or may not have done after that.

23 Q. Okay.

24 A. But again, I will say I didn't hear about
25 a machine doing it multiple times. So I'm going to

1 make somewhat of an assumption they probably took
2 some of those out of -- out of service just to
3 avoid that problem or they kept running it when the
4 problem didn't reappear.

5 Q. And if you wanted to know whether machines
6 were taken out of service in an election, would
7 that be a question you ask the county or is there
8 someone else you could ask?

9 A. You have to ask the county, because they
10 are in charge of running the polling locations and
11 the use of equipment.

12 Q. Okay. All right. Take a look at 78,
13 please.

14 A. Okay.

15 Q. Here it states:

16 "Admit that the results of the
17 full hand recount of the human
18 readable text on B.M.D.-marked ballots
19 did not match the results of the Q.R.
20 code scanning for those ballots within
21 an expected margin of error."

22 Do you see that?

23 A. Yes.

24 Q. And do you know whether that's true or
25 not?

1 A. As I stated a couple of times in this
2 deposition so far, being a point 1053 percent off
3 in the total votes cast and point 0099 percent off
4 in the margin is well within an expected margin of
5 error. So I can state that unequivocally.

6 Q. So but and I had understood you to say
7 that earlier. Do you know why, then, state
8 defendants declined to admit or deny this response?

9 A. No. I'm not a lawyer, so I don't know
10 what the rationale would necessarily have been.

11 Q. If you wanted to know why they were
12 unwilling to deny this response, who would you ask?

13 A. Probably my lawyers.

14 Q. Okay. All right. Take a look at 80.

15 A. Okay.

16 Q. And just so we're clear, sorry, you don't
17 have any reluctance in denying 78; right?

18 A. Let me go back and look at it again.

19 Q. Yeah.

20 A. I have zero reluctance denying that
21 statement, yes.

22 Q. All right. So take a look at 80. 80
23 states:

24 [As read] "Admit that the full
25 hand recount performed in connection

1 with the November 2020 election did
2 not check whether the human readable
3 text on B.M.D.-marked ballots matched
4 the results of Q.R. code scanning."

5 Do you see that?

6 A. Yes.

7 Q. And is that statement, based on your
8 experience, true or false?

9 A. Well, going back to the earlier question
10 you asked where we kind of had to go over some
11 definitional items, an individual ballot was not
12 checked to see if the B.M.D. -- if the Q.R. code
13 matched the human readable.

14 That stated, in the aggregate it showed
15 that the result of the election was essentially the
16 same when we had a hand count of those ballots
17 using the human readable portion. So the logical
18 assumption is that the ballots were cast as
19 intended.

20 Q. But you don't dispute that the hand
21 recount of the November 2020 election did not check
22 whether the human readable text on B.M.D.-marked
23 ballots matched the results of the Q.R. code
24 scanning for those ballots; right? That's not
25 something --

1 A. I dis --

2 Q. -- that you --

3 A. I dispute that that's the intent of the --
4 of the hand tally that was done. I do not dispute
5 that that wasn't done, because that wasn't the
6 intent for the hand tally.

7 Q. Okay. All right. Take a look at 81,
8 please.

9 A. Okay.

10 Q. It reads:

11 "Admit that the full hand recount
12 performed in connection with the
13 November 2020 election did not check
14 whether the human readable text on
15 B.M.D.-marked ballots actually
16 reflected the selections each voter
17 intended for each of those ballots."

18 Do you see that?

19 A. Yes.

20 Q. And is that statement true or false, based
21 on your experience?

22 A. Again, following the same logic train we
23 had in the last question, that wasn't the intent of
24 this.

25 However, when you have -- come to a point

1 1053 percent on the total ballots cast and point
2 0099 percent on the margin, that the human readable
3 matched what was tallied even within the counties
4 and then statewide as well.

5 There is no evidence pointing to the fact
6 that the Q.R. code did not match the human readable
7 portion of the ballot.

8 Q. But you didn't -- the State didn't
9 undertake any investigation to determine whether
10 the human readable portion of the ballots that were
11 hand tallied, whether that accurately reflected
12 what the voters selected on the B.M.D. screen;
13 right?

14 A. That is correct. Except for that the hand
15 tallied showed that the computers counted the way
16 the hands -- that they were marked by the -- by the
17 voter in the human readable portion.

18 Q. Right.

19 A. So knowing that, there's no reason to
20 believe that the Q.R. code does not match that, or
21 that in 25 percent of the ballots that the
22 hand-marked didn't match what they had chosen there
23 as well, the tick marks were somehow off in the
24 computers -- tally marks, pardon me.

25 Q. Right. But given that the study that the

1 Secretary's office commissioned in 2020 in actual
2 elections found that the majority of voters spend a
3 second or no time at all reviewing their ballots,
4 you can't be sure that the human readable portion
5 of every ballot is actually what the voter
6 intended; right?

7 A. I do know that our studies show that one
8 in four did actually review, whether for a second
9 or two minutes. And again, you can't take into
10 account human behavior, but I will say if one in
11 four are reviewing it, or even necessarily one in
12 ten or one in 20, if there was a systemic issue,
13 then that would have made -- would have made itself
14 known to the polling place managers, which would
15 have made it known to the State.

16 We did not see that here. There is no
17 evidence that occurred.

18 Q. Okay. Is it your understanding or is it
19 your position that the error rate for the hand
20 tally in November 2020 was not substantially larger
21 for some sets of ballots versus others?

22 A. In discussing this with VotingWorks, who
23 were the vendors we brought in to help do this,
24 you're going to see variabilities like that.
25 Especially there are some individuals who

1 mistakenly believe that you're trying to re-create
2 the election as it was voted as opposed to looking
3 at it in the aggregate.

4 When you're doing this kind of hand tally,
5 you're looking at it in the aggregate. So there is
6 going to be more human errors in some batches and
7 less human errors in other batches.

8 Q. Right. But the error rate for some sets
9 of ballots, for example, at a county level that
10 came out of the human tally, some of those error
11 rates were outside the margin of an expected error
12 rate; right?

13 A. It depends on what you're referring to
14 specifically. Because again, you're not going
15 precinct by precinct; you're trying to go batch by
16 batch. But even some counties did not do their
17 batching properly and did not put it into the Arlo
18 system properly. But in the aggregate, which is
19 what you're looking at here, both by the county and
20 by the state, you did not see that overall.

21 And as an example, there was one batch I
22 can remember in Fulton County of overseas votes
23 that was a batch that was something like, again, I
24 don't know, I'm spitballing, but this is as an
25 example, 500 for Biden and a hundred for Trump.

1 And instead of putting them together and
2 putting them in as a single batch, they did 500 for
3 Biden in a single batch and put that in the system,
4 then a hundred for Trump in a single batch and put
5 that in the system. So again, you can't go by the
6 batch counts on those things being off, because
7 they don't necessarily align with precincts.

8 And that's one of the issues where people
9 having a lack of understanding what they're looking
10 at find those rates being very far off and not
11 understanding why that's occurring.

12 Q. And you said something a moment ago, I
13 just want to make sure I understand --

14 A. Uh-huh.

15 Q. -- to the effect of, and if I'm getting
16 this wrong just tell me, but something to the
17 effect of that there's a misunderstanding about the
18 audit or the hand tally, that it's not intended to
19 confirm the election as it -- as it occurred, it's
20 meant to do it at an aggregate level.

21 What did you say and what did you mean? I
22 just want to --

23 A. What I mean is it's not intended to
24 re-create the ballots as they were cast
25 specifically, but on the aggregate you're supposed

1 to look at how the system did it.

2 As an example, I live in precinct SS02B in
3 Fulton County. There were four different kinds of
4 ballots that were cast out of SS02B: in-person
5 early, absentee by mail, in person and then
6 provisionals. Those are the kind of votes that
7 would be there.

8 In the hand tally they're not going
9 through and saying in SS02B we had this in person,
10 this, you know, absentee, this provisional. They
11 weren't done that way. Especially, I unfortunately
12 live in Fulton County, and Fulton County had more
13 challenges than others just because of the sheer
14 size and some lack of managerial control inside of
15 that county. But you were taking it in the
16 aggregate of all of it.

17 And then also there were some naming
18 convention issues occasionally and -- where they
19 would say RW02B when they were inputting it over
20 here and RW02B over here. They shouldn't have done
21 that. The rules are you're supposed to have one
22 person inputting these. Fulton went to multiple
23 people doing it, so they had some other specific
24 issues.

25 You'll find that most counties lined them

1 up decently well. This was the first time that
2 they'd ever to do ballot manifests, then you --
3 because we hadn't had ballots in 20 years. And
4 that's -- some of the things you're going to see
5 come out of that, you're going to see down in
6 the -- in the minutia, there are going to be things
7 that are off.

8 But they're going to, to your point
9 earlier, potentially sort of balance out because
10 mistakes tend to happen on both sides of the ledger
11 of those things. And that's why we saw statewide
12 the point 1053 on the total votes cast and the
13 point 0099 percent on the margin difference.

14 Q. Is it --

15 A. Whenever you have human beings involved,
16 your chances of human error increase tremendously.

17 Q. Is it your position that all of the errors
18 that occurred with the human tally -- or the hand
19 tally, sorry, I should say, of the presidential
20 election of November 2020, that those errors
21 occurred only with the hand count, not with the
22 machines?

23 A. No. That is not my contention. My
24 contention is everything that we have seen has all
25 been human error. There were double scans that we

1 discovered from the initial count. There were
2 human errors both tallying in the hand tally and
3 inputting them into the Arlo system, which is a
4 system used to track the hand tally.

5 And then there were, again, mainly in
6 Fulton, double scans. And I believe there was one
7 batch that was scanned three times. But you would
8 normally avoid those things if you were just using
9 B.M.D.s, because they don't have large batches of
10 things being scanned at one time.

11 The only things that are usually done this
12 large batch -- scans at one time are the
13 hand-marked paper ballots that were sent in by
14 mail.

15 Q. Okay. So you're not saying that the
16 errors that were reflected in the hand tally in
17 November 2020, that those errors came -- they were
18 produced only by the hand recount; is that right?

19 A. The -- two things. The hand recount and
20 then the anomalous inputting them improperly. Two
21 different errors -- two human errors occurred there
22 to produce some of those issues.

23 Q. And is it your position that all of the
24 errors that came to light were all human errors,
25 they were not machine errors?

1 A. Well, in a hand tally there are no machine
2 errors because there's no machines involved. The
3 double scanning that occurred, both the general
4 election initial count and the double scanning
5 errors that occurred, those were all hand-marked
6 where they had those problems.

7 And the recount there, it appears there
8 were some B.M.D. ballots scanned multiple times.
9 But in a normal deployment, you wouldn't have that
10 happen because you're only scanning one at a time
11 for each individual voter as they place it into
12 the -- into the scanner, into the polling and then
13 the ballot box.

14 Q. So I just want to make sure we're talking
15 about the same thing. So in a given county, for
16 example, or a given precinct where the hand tally
17 came up with a different number, so maybe just a
18 slightly different number on the election results
19 than the -- than the scanner tabulation did, was
20 there any investigation undertaken to determine
21 whether that was truly the product of human error
22 in the hand tally versus the product of an error in
23 the electronic scanning or the use of the B.M.D.s?

24 A. No, there wasn't. Because there was
25 nothing pointing to the fact that there was any

1 systemic error on those things.

2 Again, you have to look at these precinct
3 by precinct. And again, in my old life, political
4 consulting, no -- there was no precinct that
5 anybody looked at and said, wow, that's really
6 weird, that's really anomalous.

7 The things we saw with the hand tallies
8 were, again, essentially mainly attributable to
9 human error and mainly in Fulton County. And
10 again, and Fulton County has a well documented past
11 of having bad management and some sloppy practices,
12 so that's not unheard of in those situations.

13 Q. And you mentioned before you're familiar
14 with one of the experts in this case, Philip Stark;
15 right?

16 A. Yes, I'm familiar with him.

17 Q. Are you aware that he produced a report in
18 January of this year addressing, at least in part,
19 the human tally and the error rates that came to
20 light?

21 A. No.

22 Q. So that's not a report that you've ever
23 read or considered; right?

24 A. I'm not aware of it, no.

25 Q. Do you know whether anyone at the

1 Secretary of State's office has reviewed that
2 report?

3 A. I do not.

4 Q. If that report were to identify error
5 rates that would cause concern as to whether the
6 machines had operated accurately, is that something
7 you would want to see?

8 A. That's a large supposition, and it would
9 depend on the level and the documentation behind
10 it.

11 Because again, you can only go with the
12 data that you're given, which in this case
13 oftentimes was done by human error into the Arlo
14 system and even human error on the tally sheets
15 themselves. So we would have to compare some of
16 those items.

17 But I wouldn't have any objection to our
18 office looking at that, no.

19 Q. Do you know why your office has not looked
20 at that yet?

21 A. Frankly, I didn't know it existed. So I
22 can't look at things I don't know exist.

23 Q. Okay. Are you aware that the Dominion
24 scanners will tabulate a photocopy of a B.M.D.
25 printed ballot in the same way they'll tabulate the

1 original B.M.D. printed ballot?

2 A. That depends on two things. If it was a
3 central scanner ballot, yes, I know. And it can
4 potentially do that on a polling place scanner
5 except for the fact that, if you turn on the
6 security paper setting, a regular paper wouldn't go
7 through without being identified.

8 Q. And what's the basis for your
9 understanding that the precinct scanner has a
10 setting that can evaluate security paper from other
11 paper?

12 A. The bid, our instructions, the existing --
13 I mean, discussions with Dominion.

14 Q. And why does that security setting not
15 exist on the central scanners?

16 A. It is a source of annoyance for me that it
17 doesn't. I think that they had a different
18 programming set to the original polling place
19 scanners, and I don't know if it -- if they're
20 looking at making that an addition in any software
21 firmware upgrades for the upcoming central
22 scanners.

23 And until this -- until the passage of
24 SB 202, absentee ballots were not required to be on
25 security paper, so it didn't -- wouldn't have

1 necessarily made sense to have it at the central
2 scanner at that time.

3 Q. All right. Come to 106, please, on Page
4 53?

5 A. One moment.

6 Q. Sure.

7 A. I clicked out of that for a moment. You
8 said 106; correct?

9 Q. Yes, sir.

10 A. Okay.

11 Q. And so 106 says:

12 "Admit that no expert who has
13 testified on your behalf in this
14 litigation has, to your knowledge,
15 forensically examined each B.M.D. used
16 in any actual elections in Georgia to
17 determine whether malware was loaded
18 on to it at any point in time."

19 Do you see that?

20 A. Yes.

21 Q. And do you see the response, the state
22 defendants, including the Secretary's office,
23 declined to answer this as seeking privileged work
24 product?

25 Do you see that?

1 A. Yes.

2 Q. Are you aware of any forensic examination
3 of each B.M.D. used in actual elections in Georgia
4 for the purpose of this case or any other purpose
5 by any expert who's testified for the State?

6 A. When you're saying "each B.M.D.," you're
7 referring to all 30 some odd thousand that have
8 been used in elections?

9 Q. Yes.

10 A. Then no, I'm not aware of that.

11 Q. What about of any B.M.D.s?

12 A. After the November of 2020 election, there
13 were -- Pro V & V was sent to several counties to
14 look at random B.M.D.s and scanners to see if there
15 was any issues. They did a hash test to look for
16 those kind of items. That is the only thing I'm
17 aware of off the top of my head specifically kind
18 of speaking to 106.

19 But then again, between the November
20 election and the January election, L & A testing
21 was done again on all those machines, and they
22 checked the hashes in those then, so there were no
23 changes noted then.

24 Q. Come to 173, please. We're almost done
25 with this document.

1 A. Okay. What page is 173 on?

2 Q. 84.

3 A. 84. Okay. Okay.

4 Q. And here it states:

5 [As read] "Admit that the testing
6 relating to the letter report prepared
7 by Pro V & V concerning version
8 5.5.10.32 of the Dominion B.M.D.
9 software," there's a court docket
10 number, "did not attempt to
11 independently verify the cause of the
12 ballot display problem."

13 Do you see that?

14 A. Yes.

15 Q. And do you recall in the September or
16 October 2020 time frame there was an issue that
17 came to light where the ballot -- certain ballots
18 on -- maybe it was one particular ballot on the
19 B.M.D.s didn't display properly and you had to make
20 a software change to address that?

21 A. Yes.

22 Q. And you understand this is the letter
23 report that we're referring to that Pro V & V
24 prepared regarding that software change?

25 A. I had a chance to look at what you're

1 referring to. Yes.

2 Q. Okay. Did you actually see that letter
3 report from Pro V & V yourself?

4 A. I don't recall. I might have, but I just
5 don't recall.

6 Q. Okay. So come to 175 on Page 85. Let me
7 know --

8 A. Okay.

9 Q. So we're referring to the same letter
10 report, the software change in the September or
11 October 2020 time frame. And here it states:

12 "Admit that the testing relating
13 to the letter report did not test
14 whether the changes created new
15 problems impacting the reliability,
16 accuracy or security of the B.M.D.
17 system."

18 Do you see that?

19 A. Yes.

20 Q. And then in the second sentence, state
21 defendants say that they "lack sufficient
22 information or knowledge to admit or deny this
23 request."

24 Do you see that?

25 A. Yes.

1 Q. Do you know whether that statement in 175
2 is true or false?

3 A. As to whether Pro V & V did testing or not
4 or if Dominion and their engineers looked at it to
5 say this would work? I mean, you're -- that's two
6 different questions to me.

7 So what specifically -- admit the testing
8 related to the letter report did not test -- so to
9 the letter report, that's specifically to Pro
10 V & V. Is that the question?

11 Q. Well, that's part of it, and we can start
12 there. Do you know whether the testing that Pro
13 V & V did that relates to the subject of the letter
14 report and the software change in the fall of 2020,
15 whether that created new problems impacting the
16 reliability, accuracy or security of the B.M.D.
17 system?

18 MR. RUSSO: Objection to form.

19 BY MR. CROSS:

20 Q. Do you know it just one way or the other?

21 A. In the testing on the front end, I do not
22 know one way or the other. However, I do know that
23 it was an important de minimis change that E.A.C.
24 approved, and we didn't have any subsequent issues
25 with the B.M.D.s, you know, working properly.

1 Because the issue was a display of two
2 columns because of the sheer size of the particular
3 Senate special election. And we had, through our
4 very robust logic and accuracy testing, Douglas
5 County and Richmond County found the issue, and
6 then Dominion found an engineering solution that
7 allowed that -- both columns to be displayed in
8 every circumstance and that we needed to have that
9 change done and we did that prior as -- on the
10 front end to the L & A testing.

11 So we didn't see anything come out with
12 any accuracy issues or reliability or security that
13 we saw in the actual functioning, but I don't know
14 if Pro V & V did testing in and of itself for that
15 purpose when they went back to look at the
16 solution.

17 Q. All right. Take a look at 186, please, on
18 Page 90.

19 A. Okay. I'm there.

20 Q. Here it reads:

21 [As read] "Admit that you have no
22 evidence of any widespread voter fraud
23 in Georgia in connection with
24 elections held in Georgia on November
25 3rd, 2020 and January 5th, 2021."

1 Do you see that?

2 A. Yes.

3 Q. Do you know whether that is a true or
4 false statement based on your experience in the
5 Secretary's office?

6 A. From my position and what I said earlier
7 was the use of the term "widespread voter fraud" is
8 kind of a fraught emotional loaded kind of
9 statement.

10 We know that there was illegal voting. We
11 know that that illegal voting only totalled in the
12 tens of votes, not the tens of thousands of votes.
13 So there was not enough illegal voting to affect
14 the outcome of any election that we are -- we've
15 seen or been aware of so far.

16 Q. And we saw earlier that Secretary
17 Raffensperger in his book states unequivocally that
18 you found -- his office found no evidence of
19 widespread voter fraud in the 2020 or 2021
20 election; correct?

21 A. That's right.

22 Q. So do you know why the Secretary's office
23 and the other state defendants were unwilling to
24 admit or deny this request?

25 A. No.

1 Q. All right. Take a look at 189.

2 A. Okay.

3 Q. Here it's:

4 "Admit that you have no evidence
5 that the election system counted any
6 illegal votes in the election held on
7 November 3rd, 2020."

8 Do you see that?

9 A. Yes.

10 Q. And if you look at the response, it says
11 at the end:

12 "State defendants admit they do
13 not have any evidence indicating the
14 election system failed to count any
15 votes as cast by the voter."

16 Do you see that?

17 A. Yes.

18 Q. That's not what it asks; right?

19 So I just want to make sure I understand.

20 I think you acknowledged earlier that there is
21 evidence that there were some illegal votes counted
22 in the November 3rd, 2020 election; right?

23 A. Correct.

24 Q. And do you, as you sit here, do you know
25 why state defendants were unwilling to admit or

1 deny that request 189?

2 A. No.

3 Q. All right.

4 A. Other than I guess they say it's outside
5 of the scope of Curling plaintiffs' claims in this
6 case.

7 Q. Oh, okay. All right.

8 MR. CROSS: Why don't we take a
9 five-, ten-minute break. What works for
10 you, Mr. Sterling?

11 THE WITNESS: Let's go for ten.

12 MR. CROSS: Okay.

13 THE WITNESS: I want to say split the
14 baby, but let's just go for ten.

15 MR. CROSS: Okay.

16 THE VIDEOGRAPHER: Off the record,
17 1:55.

18 (Whereupon, a discussion ensued
19 off the record.)

20 (Whereupon, there was a brief
21 recess.)

22 BY MR. CROSS:

23 Q. All right. Mr. Sterling, grab -- there
24 are a handful of documents that we'll jump through
25 quickly, and then -- and then I'll be done.

1 (Whereupon, Plaintiff's
2 Exhibit 8 was marked for
3 identification.)

4 BY MR. CROSS:

5 Q. Grab Exhibit 8, if you would, please.

6 THE VIDEOGRAPHER: Back on the record
7 at 2:03.

8 MR. CROSS: Oh. Sorry.

9 THE WITNESS: Okay. An E-mail from
10 me. Okay.

11 BY MR. CROSS:

12 Q. Yeah. So if you look at Exhibit 8,

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 Do you see that?

17 A. Yeah.

18 Q. Okay. [REDACTED]

19 [REDACTED]

20 [REDACTED] Do you see that?

21 A. No. It won't scroll. I've got a single
22 page on mine.

23 Q. It's --

24 A. I'm sorry. Yeah. I got it. I got it.
25 Yeah.

1 Q. Sorry. It's in the middle of that first
2 page.

3 A. Yes.

4 Q. [REDACTED]

5 [REDACTED]

6 [REDACTED] Do you see that?

7 A. Uh-huh. Yes.

8 Q. And then you write back:

9 [REDACTED]

10 [REDACTED]

11 Do you see that?

12 A. Yes. Yes.

13 Q. [REDACTED]

14 [REDACTED]

15 A. Yes. That's what I was referring to.

16 Looking at this in context, that's what I would
17 have been referring to, yes.

18 Q. [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 A. Yes.

23 Q. [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 A. Yes.

4 Q. [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 A. [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 Q. [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 A. In the sit -- normally in that situation,
25 that's going to be at the county level with the not

1 poll workers or poll managers, even it'd be -- it
2 would normally be county workers.

3 [REDACTED]

4 [REDACTED]

5 [REDACTED] When they ran their absentee ballots
6 through the cutters, occasionally the cutting
7 machine would grab the ballot and slice it as well.

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED] Like, I saw Rick
12 Barron himself doing some of those.

13 Q. Okay. Are you aware of whether the
14 existing B.M.D.s in Dominion -- or sorry, in
15 Georgia can effectively be used as ballot-on-demand
16 printers at the polls meaning, rather than having
17 voters vote on the B.M.D., you check the voters in
18 on the poll pad and then you just use the B.M.D. to
19 print whatever ballot they're supposed to get, and
20 then they can mark it by hand and have it tabulated
21 by the scanner?

22 Are you aware of whether that's do-able
23 with this system?

24 MR. RUSSO: Objection to form.

25 THE WITNESS: The way you've outlined

1 it, not that I'm aware of, no.

2 BY MR. CROSS:

3 Q. You say the way I --

4 A. And I'm sure -- go ahead.

5 Q. Well, I just -- you say the way I outlined
6 it. Is there some version of that that you're
7 aware of that can be done?

8 A. Not with this -- not with the current
9 software.

10 Q. And what is it about the current software
11 that limits that?

12 A. Well, it's not limiting. The software is
13 not designed to do that.

14 Q. Not designed to do what part of what I
15 just described?

16 A. What you just said is to print out a
17 hand-marked paper ballot to fit that. One of the
18 issues you have is, when you're doing a ballot,
19 okay, in the state right now there are several
20 different ballot sizes. There's not a good way to
21 necessarily shrink it down to have the tick marks
22 line up properly inside the polling place scanner
23 and the B.M.D. as we have right now set on eight
24 and a half by 11 paper.

25 There's a lot of logistical issues around

1 that you'd have to fix first before moving to the
2 kind of system you're talking about.

3 What a more likely outcome would be was
4 that you do a ballot mark -- you do ballot marking
5 like we currently do where you make your selections
6 on the screen, and you could have a ballot on a
7 face that looks like a handwritten ballot but it's
8 actually printed by the B.M.D., and you could still
9 have the advantages of no over-votes, no
10 under-votes and they can look at it.

11 And again, you don't know how the scanner
12 is going to scan it if something's happened there.
13 But they could potentially do that. But it's hard
14 right now because, take Fulton County, for
15 instance, when we have ballot questions, you're
16 having 21-inch ballots. And that's just not
17 something that's do-able right now.

18 Q. Okay. Each precinct currently has a
19 Dominion mobile ballot printer; right?

20 A. No.

21 Q. Okay. How many precincts have those?

22 A. None that I'm aware of.

23 Q. There are no Dominion --

24 A. Mobile ballot printers are intended to be
25 used at the central location. Every county was

1 given at least one. I think the most any one
2 county got was five out of the initial distribution
3 of equipment.

4 And they're intended to be used for
5 emergency ballots, absentee ballots if they want to
6 run that way. Only one county ran it as their main
7 absentee ballot process, and that was Camden or
8 Glynn down on the coast. I can't remember which
9 one was which.

10 Q. Okay. And I may be conflating two things.
11 So there's the ballot-on-demand printer. That's
12 what you're talking about; right?

13 A. Not a ballot-on-demand printer, because
14 that's a trademark of ES&S, but a mobile ballot
15 printer that you could print ballots as you need
16 them with the correct ballot styles.

17 Q. Okay. Do you know whether Dominion has
18 mobile ballot printing software that you could use
19 to print ballots on demand at the precinct, so the
20 polling sites, once voters check in?

21 A. I assume they probably do, because they
22 have mobile ballot printing software, yes.

23 Q. So do you know whether the current system
24 could use that software to print ballots at the
25 polls to be marked by hand today?

1 A. It would require massive changes in how
2 the system's put together, additional equipment,
3 different training. Again, I don't see the
4 advantage of going backwards in technology.

5 Q. But the technology could do it; right?

6 A. The technology can do it. I mean, you
7 could -- there's -- no question there's a
8 technological way to do it. It's a question of
9 function of training, what are the up sides, what
10 are the down sides, what are the problems, again,
11 what are the logical issues.

12 There's varied and sundry questions that
13 could to be answered on the -- need to be answered
14 if you're going to go any of those kind of routes.

15 (Whereupon, Plaintiff's
16 Exhibit 9 was marked for
17 identification.)

18 BY MR. CROSS:

19 Q. All right. Grab the next exhibit, please.
20 I think it's Exhibit 9.

21 A. Yes. [REDACTED]

22 Q. Yeah. [REDACTED]

23 [REDACTED] Do
24 you see that?

25 A. Yeah.

1 Q. And then if you come down, on Page 3 -- I
2 tell you, to make it easier, do you see at the
3 bottom right corner where it says [REDACTED]

4 [REDACTED]

5 A. [REDACTED]

6 Q. Yeah.

7 A. [REDACTED] Yeah.

8 Q. Go to the one that ends in [REDACTED]

9 A. Got it.

10 Q. And you see at the very bottom of that
11 page there's an [REDACTED]

12 [REDACTED]

13 A. Yes.

14 Q. Who's -- [REDACTED]

15 [REDACTED] Do you see that?

16 A. Yes.

17 Q. And [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 Do you see that?

22 A. Yes.

23 Q. And do you recall this E-mail?

24 A. Yes.

25 Q. And if you come up to the first page, the

1 [REDACTED]

2 [REDACTED]

3 Do you see that?

4 A. At the very first page? Yes.

5 Q. And then you write in the second sentence:

6 [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Do you see that?

12 A. Yes.

13 Q. What did you mean that [REDACTED]

14 [REDACTED]

15 A. [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED] [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED]
6 [REDACTED]
7 [REDACTED] [REDACTED]
8 [REDACTED]

9 Q. [REDACTED]
10 [REDACTED]

11 A. Yes.

12 Q. Okay.

13 (Whereupon, Plaintiff's
14 Exhibit 10 was marked for
15 identification.)

16 BY MR. CROSS:

17 Q. All right. Pull up Exhibit 10, please.

18 A. I've got it up.

19 Q. Okay. And do you see Exhibit 10 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 A. Yes.

24 Q. And if you come down to the bottom of the
25 first page, [REDACTED]

1 [REDACTED] Do

2 you see that?

3 A. Yes.

4 Q. [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Do you see that?

13 A. Yes.

14 Q. And then [REDACTED]

15 [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED]

18 Do you see that?

19 A. Yes.

20 Q. And then [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Do you see that?

24 A. Yes. Uh-huh.

25 Q. Do you recall this situation?

1 A. Yes.

2 Q. [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 A. [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED] [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 Q. And are you sure that's what this is or
15 you're --

16 A. I'm 99 percent sure. I mean, I remember
17 this happening at the time, and that's what we
18 discussed. [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Q. Did this happen with any other counties?

23 A. No. Not that I recall. [REDACTED]

24 [REDACTED]

25 [REDACTED] [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 Q. Okay. [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 A. Yes.

10 Q. [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 A. Yes.

14 Q. [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 A. [REDACTED]

18 Q. Okay. Are you aware of any B.M.D.s having
19 been lost or misplaced that were intended to be
20 shipped to Georgia?

21 A. Not that I'm aware of, no.

22 Q. Is that something that has -- an
23 investigation has been undertaken at any point to
24 look into?

25 A. I'm not sure of any claim of a lost one to

1 investigate. So no, no investigation has been done
2 for that.

3 (Whereupon, Plaintiff's
4 Exhibit 11 was marked for
5 identification.)

6 BY MR. CROSS:

7 Q. All right. Almost done. Grab the next
8 exhibit, if you would, please.

9 A. Is that Exhibit 11?

10 Q. Yes.

11 A. Okay. Okay. Got it.

12 Q. And do you see that this is [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 A. Yes.

16 Q. [REDACTED]

17 [REDACTED]

18 A. Yes.

19 Q. And do you correspond with him regularly
20 as part of your job?

21 A. Regularly is a little bit of a stretch.
22 But you know, we'll talk occasionally and do
23 E-mails, yes.

24 Q. Okay. If you look here, [REDACTED]

25 [REDACTED]

1

[REDACTED]

2

Do you see that?

3

A. Yes.

4

Q.

[REDACTED]

5

[REDACTED]

6

[REDACTED]

7

A.

[REDACTED]

8

[REDACTED]

9

[REDACTED]

10

Q.

[REDACTED] [REDACTED]

11

[REDACTED]

12

[REDACTED] [REDACTED] [REDACTED]

13

[REDACTED]

14

[REDACTED]

15

[REDACTED]

16

[REDACTED]

17

[REDACTED] [REDACTED]

18

[REDACTED]

19

A.

[REDACTED]

20

[REDACTED]

21

Q. Oh. Thank you.

22

A. Yes.

23

Q.

[REDACTED]

24

[REDACTED]

25

[REDACTED]

1 [REDACTED]

2 Do you see that in number one?

3 A. Yes.

4 Q. Number two, [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Do you see that?

9 A. Yes.

10 Q. And then in number three, third paragraph
11 at the top of the next page, it's written here in
12 bold print:

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Do you see that?

19 A. Yes.

20 Q. [REDACTED]

21 [REDACTED]

22 [REDACTED] [REDACTED]

23 [REDACTED]

24 A. [REDACTED]

25 [REDACTED]

1 [REDACTED] [REDACTED] [REDACTED]

2 [REDACTED] [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Q. [REDACTED]

8 A. [REDACTED] [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 Q. Okay. I think that is all the time I
17 have. Let me just look real quickly.

18 Oh, I think you mentioned before, unless I
19 misunderstood that -- did you say the current
20 C.I.O. is a contractor at the Secretary's office?

21 A. Yes.

22 Q. Who is that?

23 A. Merritt Beaver.

24 Q. Oh, Mr. Beaver is not an employee of the
25 Secretary's office?

1 A. That's correct.

2 Q. Oh, when did -- when did he become a
3 contractor?

4 A. He has always been a contractor.

5 Q. Oh. Why is that?

6 A. That preceded my joining the
7 administration.

8 Q. Does he have a written contract that lays
9 out his engagement?

10 A. I believe so, yes.

11 Q. Okay.

12 MR. CROSS: Okay. That's all I have,
13 Mr. Sterling. Counsel for other
14 plaintiffs are going to ask you questions.

15 We will -- as Mr. Russo knows, we're
16 going to hold the deposition open, but I'm
17 not going to bother you with the legalese
18 on that. We'll just reserve our rights.

19 THE WITNESS: Well, thank you for
20 that, Mr. Cross.

21 MR. CROSS: I can at least give you
22 that. And I do appreciate your time
23 today. Hopefully you're feeling better
24 after your surgery.

25 By the way, I do -- I do have one

1 more question. Do I understand right that
2 you think Peaky Blinders is the best show
3 ever made?

4 THE WITNESS: Yes.

5 MR. CROSS: Well, we're in violent
6 agreement on that, sir, so we can -- we
7 can end on that.

8 THE WITNESS: I'm waiting for
9 February 27th when the next season
10 comes -- final season comes out.

11 MR. CROSS: I've got to say, I didn't
12 know it was coming out until I saw your
13 tweet. So your tweets are valuable.

14 THE WITNESS: I'm glad I could be of
15 help to make your life better.

16 MR. CROSS: Appreciate that.

17 All right. Thank you.

18 THE WITNESS: Thank you.

19 MR. MCGUIRE: Hi. This is Robert
20 McGuire for Coalition for Good Government.
21 Vincent, are we ready for me to go ahead?
22 Can I just, you know, get started, or do
23 you want to --

24 THE WITNESS: Before we get rolling,
25 I'm going to hit the head real quick, if

1 that's okay with everybody, just for a
2 moment. So.

3 MR. RUSSO: Yeah.

4 (Whereupon, a discussion ensued
5 off the record.)

6 THE VIDEOGRAPHER: Off the record,
7 2:25.

8 (Whereupon, a discussion ensued
9 off the record.)

10 (Whereupon, there was a brief
11 recess.)

12 THE VIDEOGRAPHER: All right. We're
13 back on the record at 2:28.

14 BY MR. CROSS:

15 Q. Sorry. Mr. Sterling, quickly, you
16 testified earlier that you'd gotten a call from
17 Dominion's C.E.O. at some point conveying to you
18 that Dr. Halderman had asked Dominion to engage him
19 to do work and to pay him for work that he'd
20 already done with respect to their equipment.

21 Do you recall that testimony?

22 A. Yes. And something along those lines in a
23 general way, yes.

24 Q. Have you since learned during the course
25 of this deposition what the actual facts were

1 regarding that possible engagement?

2 A. Well, you stated it on the record earlier
3 where Dominion had reached out to him originally,
4 yes.

5 Q. Well, I want to be clear that it's not
6 just me stating it. Are you aware that Dominion's
7 counsel --

8 A. Yes, I am aware of that now.

9 Q. And you're aware that Dominion's counsel
10 had a conversation with your counsel, Mr. Germany,
11 today about this subject; right?

12 A. Yes.

13 Q. And we both understand that what actually
14 has occurred is that Dominion approached me about
15 engaging Dr. Halderman to work as an expert on
16 their behalf and they would pay him for that work
17 that he would do for them.

18 Do you understand that?

19 A. I don't know the timing of it. That's my
20 basic -- so I didn't know that you were involved in
21 it, no.

22 Q. All right.

23 A. That's new knowledge to me.

24 Q. Okay. Well, then I guess just to be
25 clear, do you understand now that Dominion reached

1 out to affirmatively engage Dr. Halderman, that
2 that was Dominion's outreach?

3 A. It would -- I do understand that, but that
4 they sub -- eventually chose not to do that, if
5 memory -- if I'm correct.

6 Q. All right. Well, that would be news to me
7 if they chose not to do it.

8 A. I mean, they haven't yet; correct?

9 Q. Yeah. There you go.

10 A. Okay.

11 MR. CROSS: All right.

12 THE WITNESS: Okay.

13 MR. CROSS: Thank you, Mr. Sterling.

14 I appreciate that.

15 THE WITNESS: Thank you.

16 EXAMINATION

17 BY MR. MCGUIRE:

18 Q. Hello. Mr. Sterling, can you hear me?

19 A. Yes, Mr. McGuire.

20 Q. Hi, there.

21 MR. BROWN: And just -- and excuse
22 me, Rob, but just for the record, this is
23 Bruce Brown. And Rob, I just wanted to
24 make this statement.

25 The reason why the C.G.G. plaintiffs

1 have two lawyers examining Mr. Sterling
2 today is, by pre-agreement with the
3 defendants' counsel, myself, Bruce Brown,
4 I have a potential conflict of interest
5 with one line of inquiry. And therefore,
6 Mr. McGuire is going to take charge of
7 that line of inquiry, and then I'm going
8 to resume.

9 Thank you.

10 MR. BARGER: And Bruce, what is this
11 potential conflict?

12 MR. BROWN: That's all I can say.
13 Thanks.

14 MR. RUSSO: So y'all are going to
15 both be taking the deposition due to
16 you -- because you have a potential
17 conflict?

18 MR. MCGUIRE: I just have a brief
19 line of questioning that would cause a
20 problem --

21 MR. RUSSO: I'm just --

22 MR. MCGUIRE: -- for Mr. Brown.

23 MR. RUSSO: -- trying to understand
24 what's going on.

25 MR. BROWN: Yeah.

1 MR. RUSSO: I'm just trying to
2 understand what's going on. If it will --

3 MR. BROWN: Rather than --

4 MR. RUSSO: (Inaudible due to
5 cross-talk).

6 MR. BROWN: Rather than take up --

7 MR. RUSSO: -- if there's a potential
8 conflict.

9 MR. BROWN: No. Because I didn't
10 want to take up the time of Mr. Sterling
11 or everybody else on this phone call, I
12 cleared this with Carey Miller, your
13 partner, yesterday.

14 MR. RUSSO: And you explained to him
15 the conflict?

16 MR. BROWN: I explained what I could,
17 yes. And he said that would be fine and
18 that he would tell you.

19 Thank you.

20 MR. RUSSO: Okay.

21 BY MR. MCGUIRE:

22 Q. Okay. Mr. Sterling, as Bruce said, I'm
23 Robert McGuire. I'm counsel for the Coalition for
24 Good Government, one of the counsel. And I wanted
25 to ask you about the Secretary's publicly stated

1 position with respect to the vulnerabilities and
2 risks identified in Professor Halderman's sealed
3 expert report.

4 Now, you have not read the report;
5 correct?

6 A. Correct.

7 Q. And has Secretary Raffensperger read the
8 report?

9 A. Not to my knowledge.

10 Q. Okay. So on February 11th, 2022, the
11 Atlanta Journal & Constitution reported that
12 Secretary Raffensperger had publicly said the
13 following, quote:

14 "Halderman is way off base. I'm
15 sure that anyone who has that kind of
16 unlimited access could do something,
17 but it's not the real world," end
18 quote.

19 Are you aware of this statement?

20 A. In general, yes.

21 Q. Okay. Does it continue to be the
22 Secretary's position today that any voting system
23 vulnerabilities and risks identified in the
24 Halderman report are not the real world?

25 MR. RUSSO: Object to form.

1 THE WITNESS: I'm not necessarily
2 going to say that -- not the real world.
3 Are there vulnerabilities that exist? I'm
4 sure that there are.

5 Are they vulnerabilities that are
6 easily exploitable in an actual election
7 environment? I do not know that. And
8 neither does the Secretary.

9 And most of the time we've seen
10 vulnerabilities that are of a cyber
11 nature, or frankly any nature, there is
12 normally layers of processes and items
13 like testing around them that tend to
14 mitigate that possibility.

15 Secondarily, we rely on our
16 contractor, Dominion Voting Systems.
17 Inside that contract they are supposed to
18 keep security up there. And if they learn
19 of a vulnerability, they're supposed to
20 identify it.

21 Or if they learn of a -- let me --
22 I'm trying to think back to the contract
23 language itself, so I apologize. I'm not
24 a lawyer, so I don't necessarily say it
25 always correctly.

1 But in general, it's up to them to
2 keep the security up there. But then we
3 have to deal with our counties to make
4 sure they keep these things secure and
5 away from things so there aren't people,
6 you know, monkeying around with them for
7 three days and a screwdriver, those kind
8 of things.

9 BY MR. MCGUIRE:

10 Q. So it sounds like you're saying that
11 access is key to whether or not there are
12 vulnerabilities?

13 MR. RUSSO: Let me --

14 THE WITNESS: Not ex -- sorry.

15 MR. RUSSO: Just objection to the
16 form of the question.

17 THE WITNESS: Not necessarily. That
18 is a major component. Physical security
19 is the, obviously the front line of all
20 cybersecurity. And that's one of our main
21 things we have to worry about at all
22 times.

23 That's why we work with the counties
24 to make sure they have these things under
25 lock and key. Most counties have a

1 limited access log where you have to go
2 into where these things are.

3 And as I stated previously, in a
4 generalized way, every system in the
5 world, be it ES&S, Smartmatic, Clear
6 Ballot, anything that involves a computer
7 somewhere in the process, be it a scanner,
8 an E.M.S., a B.M.D., a D.R.E., any of
9 those things, they're computers. Things
10 can be done to computers by very smart
11 people.

12 It depends on the access they get,
13 the time they have, the knowledge they
14 have. So all those things, you know, can
15 happen, but you have to do what you can in
16 a real world environment, in an election
17 environment, in order to mitigate those
18 risks.

19 BY MR. MCGUIRE:

20 Q. Is there some minimum amount of access
21 that your office believes a bad actor would need to
22 have in order to pose a risk to the system?

23 A. That's too broad of a question to really
24 answer. I mean, it depends on which kind of
25 vulnerability they're going to go after and also

1 what the risk is.

2 There's a much higher risk for somebody
3 if -- depending on what the goals are, too. If
4 you're trying to flip votes, if you're trying to
5 cause chaos within the system, the voter
6 registration system, you know, if you wanted to go
7 after something, as I stated earlier, flipping the
8 voter identification numbers could cause chaos, but
9 it wouldn't necessarily hurt outcomes of votes.

10 It's too specific [sic] of a question to
11 give you a specific answer to. I mean, you would
12 need to really narrow it down and say in this
13 instance here, in this instance here, in this
14 instance here, if that makes sense.

15 Q. Sure. The thrust of the Secretary's quote
16 that the Halderman report didn't reflect real
17 world, though, the presumption there, you would
18 agree with me, is that Halderman had more access
19 than other actors have to the voting system;
20 correct?

21 A. More access and potentially even passwords
22 and things like that, as I understand it. So yeah,
23 I think in general he would have more access.

24 Now, granted, as I stated earlier in the
25 other part of the deposition, bad actors can be bad

1 actors, whether that's with hand-marked paper
2 ballots or computers. So you always have to be on
3 the lookout for that potentiality.

4 And you know, there's no way to ever know
5 for certain if there's not a bad actor somewhere.
6 But the vulnerabilities are across every kind of
7 voting system manufactured by every manufacturer
8 and every style.

9 Q. Okay. Besides government people, Dominion
10 folks and the experts in this case, including
11 Professor Halderman, are you aware of any
12 unauthorized person who has obtained long-term
13 access to Georgia's voting system, to any of the
14 components or to the software?

15 MR. RUSSO: Objection to form.

16 THE WITNESS: When you say "voting
17 system," are you referring to,
18 essentially, all the components of the
19 voting system, E.M.S.s, voter
20 registration, I mean, every part and
21 parcel?

22 BY MR. MCGUIRE:

23 Q. Yeah. That's what I'm --

24 A. I am --

25 Q. -- referring to.

1 A. -- not aware -- I'm not aware of it, no,
2 other than what was, I think Halderman was given,
3 as I've learned from Fulton County.

4 There were claims of that in some specific
5 cases. There was a claim that in Ware County
6 somebody -- an independent auditor got ahold of it.
7 But that turned out to be -- not to be true. They
8 didn't misplace anything. There wasn't anything
9 that was taken away.

10 But outside of that, no, I'm not aware of
11 anybody having inappropriate access, no.

12 Q. So your office investigated the Ware
13 County incident and concluded that it was nothing?

14 A. Yes. Because there was -- there was no
15 incident. It just didn't happen. There was not a
16 Ware County B.M.D. taken out. I mean, it just
17 didn't happen.

18 Q. Okay. And I assume your previous answer
19 encompassed this, but just for clarity let me ask.
20 Do you know of any unauthorized person who has
21 imaged any component of Georgia's voting system and
22 taken away copies with them?

23 A. No.

24 Q. Okay. Do you agree with me that, if
25 someone had done that and thereby obtained

1 long-term access to the system, that that would
2 create a real world risk?

3 A. Well, again, I don't know what you mean by
4 "long-term access."

5 Q. Well, let's say someone had copied it and
6 they had a copy of it --

7 A. What is --

8 Q. -- on an ongoing basis.

9 A. What is "it," Mr. McGuire?

10 Q. Let's say someone had imaged all of the
11 software in the voting system, would that be --
12 would that create a risk to the voting -- the
13 security of the voting system?

14 A. Well, there are several different pieces
15 and parts they would have to image from each
16 individual component necessarily. And even if they
17 did, we have 159 counties with over 18,000
18 different ballot styles with different passwords
19 that are changing for each one, they change from
20 election to election.

21 That would be a risk and vulnerability
22 that we would probably have to figure out some way
23 to mitigate if that was the case. We have no
24 evidence that that's the case. And I'm not -- I am
25 not a cybersecurity expert, so I don't know what

1 the long-term possibilities of that is.

2 I do know that having 159 counties with
3 over 18,000 different ballot combinations, and
4 knowing that our voter registration system is
5 completely separated from the election machinery, I
6 mean, it'd be -- it would be very difficult to get
7 every thing imaged for every single individual one
8 and then go back and do things that became
9 undetectable, from my understanding of how these
10 systems all work, without triggering something
11 along the way or having something that would just
12 be, for lack of a better word, noticeable.

13 (Whereupon, Plaintiff's
14 Exhibit 12 was marked for
15 identification.)

16 BY MR. MCGUIRE:

17 Q. So I'm going to share with you an exhibit
18 which is in the form of a recording. And I
19 don't -- I haven't done this before with the audio,
20 so I'm not quite sure whether it's shared. I've
21 introduced it as an exhibit, and I'd like to see
22 if --

23 A. Uh-huh.

24 Q. -- you see it.

25 A. Let me go look real quick.

1 Q. It's Exhibit 12. Well, it's showing up as
2 Exhibit 2012, it looks like, but it should only be
3 12, but. It's at the bottom.

4 A. I've got it. Exhibit 2012 is Exhibit 12,
5 CGG Recording?

6 Q. Correct.

7 A. Is that the one?

8 Q. That's the one.

9 A. Okay.

10 Q. I'd like you to open that and play it.
11 It's two minutes and 35 seconds.

12 A. Okay.

13 (Whereupon, an audio recording was
14 played.)

15 THE WITNESS: All right.

16 BY MR. MCGUIRE:

17 Q. So Mr. Sterling, were you able to hear the
18 whole recording?

19 A. Yes.

20 Q. And there are two voices on that call;
21 right?

22 A. Apparently. Sounds like it.

23 Q. So I'm going to represent to you that the
24 female voice was that of my client, C.G.G.'s
25 executive director Marilyn Marks.

1 A. I thought I recognized it.

2 Q. Yeah. Do you recognize the male voice on
3 the recording?

4 A. I do not.

5 Q. Okay. Before this call, before you
6 listened to this recording, which is an excerpt,
7 has the Secretary's office been aware of the
8 alleged imaging that the male caller claims he did
9 in Coffee County?

10 A. I don't think he's claiming he did it. I
11 think he was claiming that somebody came down from
12 Michigan and did it. I knew that there were claims
13 in and around Coffee County that were numerous,
14 voluminous. And I know our investigations team
15 looked into it down there. But I don't know the
16 specifics of the outcome of that or what came of
17 that.

18 And I believe Misty, the elections
19 director, officially lost her job because she was
20 falsifying timesheets, not anything to do with this
21 kind of item.

22 Q. Okay. So there has -- there has been an
23 investigation of the incident that was discussed in
24 that recording?

25 A. Or something -- I mean, Coffee County was

1 problematic. I mean, she also did a video where
2 she -- I think she had her credentials up on the
3 screen. But I mean, I'd have to go back and look
4 at the specifics of them. I don't know what came
5 of it.

6 But here's the issue we had, Mr. McGuire,
7 is we had claims up and down the state like this in
8 Ware County, things like that, of those kind of
9 issues and people demanding forensic audits, not
10 understanding what a forensic audit was.

11 So I am not aware of the specifics of what
12 the outcome of that investigation was or if they
13 were specifically looking if somebody imaged those.
14 I know that they -- we sent investigators to Coffee
15 County for several different items. I believe that
16 was one of the ones amongst them.

17 Q. Okay. But you're not aware of any
18 findings of -- in connection with whether the
19 equipment was all imaged?

20 A. I'm not aware of it off the top of my
21 head. I would have to go back and check with our
22 investigations team.

23 Q. Okay. Are you aware of any efforts
24 undertaken to mitigate potentially unauthorized
25 access to that equipment?

1 A. Well, like I said, every county, we have
2 S.E.B. rules and laws that surround all these
3 things. So if anybody said, hey, go ahead and copy
4 these things, they would have been in violation of
5 both the law and the S.E.B. rules.

6 Q. Okay. And I believe -- I believe you
7 answered this question, but was the male -- I
8 presume the male caller was not authorized by the
9 Secretary to do the imaging that he claims was done
10 in Coffee County?

11 A. Again, it doesn't sound like he wasn't
12 claiming that did it from my listening to it. He
13 claims somebody from Michigan had come down to do
14 it, it sounded like. So no, that -- no one was
15 given authorization to go do imaging of equipment.

16 Q. Okay. Is it -- I'm going to represent to
17 you that this call took place in March of 2021. So
18 it's been more than a year -- almost a year since
19 the re -- since the call took place.

20 And he was obviously referring to
21 something that had happened previously; correct?

22 A. Yes.

23 Q. So if the male caller was telling the
24 truth on that phone call about the imaging of this
25 system and components, whether it was by him or

1 somebody else, then you'd agree that he had longer
2 access at this point to whatever those images are
3 than Professor Halderman had access to the
4 equipment from Fulton County; right?

5 MR. RUSSO: Robert, have you guys
6 produced this call in the case?

7 MR. MCGUIRE: I don't -- I don't
8 know. I don't believe it has been. But
9 you certainly have it here as an exhibit.

10 MR. RUSSO: Okay. And just so
11 we're -- is this a -- is it a full
12 transcript or is this the whole thing
13 or --

14 MR. MCGUIRE: You have what I have at
15 the moment.

16 MR. RUSSO: Okay. I just wanted to
17 make sure he understood the whole -- the
18 whole call.

19 MR. MCGUIRE: Sure.

20 THE WITNESS: So I'm sorry. Can you
21 go back and ask that question again?

22 BY MR. MCGUIRE:

23 Q. So --

24 A. I apologize.

25 Q. So sure. Let's assume the male caller was

1 telling the truth about the imaging happening. If
2 that's true, then you would agree with me that he's
3 had access to that image, or whatever was taken, or
4 whoever took it had access to whatever was taken
5 for longer at this point than Professor Halderman
6 had access to the Fulton County equipment; correct?

7 A. I'm not going to accept the fact this guy
8 was telling the truth, because I've had so many
9 people lying through their teeth around a lot of
10 these things.

11 However, you're saying he could have had
12 the image. I believe that Professor Halderman had
13 the actual equipment itself, which would have given
14 you the ports and the other things you would need
15 in order to test and do some of these things to
16 attempt to do alterations of the software itself.

17 So I think it's an apples and oranges kind
18 of comparison.

19 Q. Sure. But you'd agree with me that he's
20 had that image for at least as long and probably
21 longer than Halderman had access to the equipment
22 in Fulton County?

23 A. I don't agree with that, because I don't
24 accept the premise that he has it.

25 Q. All right.

1 A. And if he did, if he is telling the truth
2 and these magical technical people were -- got
3 these images and walked away with them and nobody
4 investigated to find out what they were, then he
5 potentially could have the images longer. But I
6 don't know if that's enough in and of itself.

7 So like I said, like an apple -- it's an
8 apples and oranges comparison.

9 Q. Right. And I understand you don't know
10 whether this person is telling the truth, so I want
11 you to assume for the purpose of my question that
12 he is.

13 A. Okay.

14 Q. Assuming he is telling the truth about
15 what he asserted in the call, would you agree with
16 me that he could have shared that with virtually
17 anybody by now? Whatever he --

18 A. Yes.

19 Q. Whatever was taken away could have been
20 shared with anybody by now?

21 A. Yes.

22 Q. Okay. So can you tell me, when was the
23 last time you were aware of any activity in the
24 investigation of Coffee County?

25 A. Months ago. I mean, 2021 at some point.

1 Q. Is it -- is it an ongoing investigation or
2 is it -- is it -- has it reached a tentative
3 conclusion?

4 A. I would have to check. I don't want to
5 speculate. I mean, we have 50 continuing open
6 investigations. Coffee County doesn't strike me as
7 one that's still open, if memory serves. But
8 again, I don't want to speculate. It could be
9 open, but I believe it's not. I believe it's all
10 closed down there.

11 Q. Okay. Have there been any other
12 investigations of any other counties for similar
13 kinds of things?

14 A. Calling things similar in this situation,
15 we had Morgan County where there was an issue
16 around the poll pad usage. We had Spalding County
17 with a similar situation. I'm not aware -- and
18 then we had the Ware County claim.

19 But outside of that, I'm not aware of
20 anything. It doesn't mean it doesn't exist. It
21 doesn't mean there might have been a claim of such.
22 And it doesn't mean there may or may not have been
23 an investigation.

24 I'm not aware of anything that had bubbled
25 up to say, yes, this is a substantive issue; yes,

1 this is a problem; yes, we need to do something
2 about this. I'm not aware of any of that. Nothing
3 has bubbled up from the investigations side to the
4 leadership of the Secretary of State's office.

5 Q. And I think you said earlier that the
6 election director, Misty Martin, or Misty Hampton I
7 believe, she goes by both --

8 A. She got married sometime in the middle, so
9 I'm not sure which name is her maiden name and
10 married.

11 Q. But we know we're talking about the same
12 person; right?

13 A. Correct. Yes.

14 Q. So are you -- are you telling me that her
15 termination had nothing to do with whatever the
16 allegations are that were in the call I just
17 played?

18 A. It's my understanding she was terminated
19 for falsifying timesheets is what I -- if memory
20 serves what it was.

21 Q. Okay. And that's it? Anything else?

22 A. Not that I'm aware of.

23 Q. How about Newton County, are you aware of
24 any allegations about images being made of
25 equipment and software in Newton County?

1 A. No.

2 Q. And you said there were no other counties
3 that where you were aware of that happening, other
4 than --

5 A. Correct.

6 Q. -- potentially Morgan, Ware, and I think
7 you said Spalding?

8 A. Yeah. But that was a different kind of
9 thing. I was thinking about places around
10 equipment where there was an issue. And those were
11 not anything having to do with people imaging
12 stuff.

13 I apologize if you took my answer to mean
14 that I was thinking anything equipment related.
15 And those were the, some of the ones I was thinking
16 about.

17 Q. So you're not aware of anything related to
18 equipment copying or imaging of software,
19 imaging --

20 A. Correct.

21 Q. -- of devices?

22 A. Correct.

23 Q. Okay. Are you aware of any counties
24 receiving requests after the 2020 election for
25 people to come and image their equipment and

1 software?

2 A. Yes.

3 Q. And what counties are you aware that that
4 happened in?

5 A. I'd hate to try to number them at this
6 point, because I'm sure that there were --
7 President Trump and the individuals around him
8 stirred up lots of emotions to follow conspiracy
9 theories and disinformation and misinformation
10 around Dominion Voting Systems.

11 I'm sure that there were E-mails received
12 by every single county to demand a forensic audit
13 and all the things that go with that, even though
14 people really couldn't define what a forensic audit
15 was. So I would probably venture to guess that 159
16 counties received a call from somebody to do that.

17 Q. And are you aware of any specifically
18 that, you know, passed those requests along to the
19 Secretary of State's office or got advice or
20 guidance from the Secretary's office?

21 MR. RUSSO: Objection to form.

22 THE WITNESS: No. I mean, I think
23 just in general, for lack of a better
24 word, follow the rules, follow the law,
25 you know, keep the system cordoned off and

1 safe.

2 And that -- our elections directors
3 are a -- are for the most part a very
4 good, functional crew that defend the
5 integrity and the security of the systems.

6 MR. MCGUIRE: Okay. All right.
7 Well, that's really all I had. And I'm
8 going to turn it over to Bruce now. But I
9 appreciate your time. Thank you.

10 THE WITNESS: Thank you.

11 EXAMINATION

12 BY MR. BROWN:

13 Q. Good afternoon, Mr. Sterling. My name is
14 Bruce Brown, and I represent the plaintiffs C.G.G.
15 in this case.

16 Could you -- I'm going to return to the
17 issue of the State's voter registration system that
18 you testified about a bit when Mr. Cross was
19 examining you. Excuse me.

20 The -- when did the State begin to think
21 about procuring a new voter registration system?

22 MR. RUSSO: And I'm going to object
23 as outside the scope of the 30(b)(6)
24 topics. But while -- since we have
25 Mr. Sterling here, you can go ahead and

1 answer if you know the -- know it in your
2 personal capacity.

3 THE WITNESS: Mr. Brown, you want to
4 repeat the question for me again one more
5 time? I think it was -- I'll try to
6 restate it to you. Tell me if it's
7 correct.

8 When did we start look at first
9 procuring a new voter registration system;
10 is that essentially --

11 BY MR. BROWN:

12 Q. It is. Thank you.

13 A. Yes?

14 Q. Yes.

15 A. Okay. With the passage of SB 202 in
16 April -- so it was signed in April of '21. We
17 started looking at having -- what we were going to
18 have to do to run the upcoming municipals and
19 general elections for 2022 and using ENet to
20 fulfill some of the specific requirements based on
21 SB 202.

22 I mentioned two of them that were specific
23 that were proving to be problematic over time. One
24 was the dual voter registration dates that we were
25 working with the incumbent provider Civix in ENet

1 to try to code it to handle doing two dates of
2 registration for allowing votes on Election Day.

3 They were having a problem with that and
4 then, secondarily, the absentee ballot portal
5 requiring an image, either a scan, P.D.F., or
6 J.P.E.G., T.I.F., those kind of things, of the
7 request form itself to go along with the on-line
8 request.

9 Both of those things, the incumbent
10 provider on the hard-coded ENet system were having
11 a difficult time trying to get code to work to make
12 those two specific things occur.

13 And at the same time, we were looking at
14 some issues around the incumbent provider itself.
15 Every person who had been there when the original
16 code was done was essentially gone. It had been
17 bought since we came into office I think twice by
18 private equity and had to change from P.C.C. to
19 G.C.R. and then finally to Civix.

20 And we were looking at some other things.
21 And in the meantime, in a parallel way, I serve as
22 the interim director of our professional licensing
23 board, and I was looking for a solution for our
24 licensing issues on the older system there called
25 IMRON.

1 And I was in discussions with Salesforce
2 and another integrator called MTX. And knowing the
3 issues we were having with ENet trying to get done
4 what the law required, we basically started having
5 a conversation like, well, a database is a
6 database, maybe we can look at using that for this
7 as well.

8 And originally, it started off as this
9 will be sort of a back-up thing. If we can't get
10 this stuff to work on ENet, we'll have this --
11 we'll have some functionality in that. But then it
12 was decided it'd be better, the risks were lower
13 moving to this new system than trying to run
14 parallel systems or run piecemeal systems.

15 So I'm assume -- we signed the contract,
16 the original one, back in December. We did a
17 change to the scope of work to move everything up
18 so we could have a launch date of mid-March. And
19 that was done in, I think we signed it in January.

20 But the discussions had gone back to
21 September, October, somewhere in that time range,
22 sir.

23 Q. Could you give a year on that?

24 A. I'm sorry. 2021.

25 Q. Okay. So December 2021 and then mid-March

1 of this year?

2 A. Those were the two scope of work change --
3 there was an original scope of work and then I want
4 to say we signed the other scope of work with the
5 change order in late January. And we did -- we had
6 the initial discussions talking about this and kind
7 of scoping everything out starting back in
8 September, I believe, of '21.

9 Q. Now, I want to shift back a little bit.
10 You mentioned some issues with ENet. And I'm not
11 suggesting that these are the exact same issues.
12 But with ENet back a couple years ago at least,
13 there was the problem that the voter registration
14 database might cause eligible voters to not appear
15 as eligible voters; right?

16 Do you recall --

17 A. I'm not.

18 Q. Go ahead.

19 A. I'm not familiar with that specifically.
20 I'm not -- this is triggering some discussion I
21 think that was had, but I think -- I don't know if
22 that characterization is correct or eligible
23 voters -- make your statement again. I'm trying to
24 dig deep in my --

25 Q. Let me just -- I don't --

1 A. -- memory.

2 Q. I'm not -- I'm not trying to be coy or
3 anything, but in --

4 A. Yeah.

5 Q. -- in Judge Totenberg's order of August
6 15, 2019, she -- and this is ordering the state
7 defendants:

8 [As read] "...to develop a plan
9 for implementation no later than
10 January 3, 2020 that addresses the
11 procedures to be undertaken by
12 election officials to address errors
13 and discrepancies in the voter
14 registration database that may cause
15 eligible voters to:

16 "One, not appear as eligible
17 voters in the electronic poll books;

18 "Two, receive the wrong ballot;

19 "Three, be assigned to the wrong
20 precinct in the electronic poll book;

21 "Or four, be prevented from
22 casting a regular ballot in their
23 properly assigned precinct."

24 Do you recall those problems with the
25 other system?

1 MR. RUSSO: Objection to form.

2 THE WITNESS: The only specific
3 problem I know having to do with that
4 wasn't a system problem, it was normally a
5 county input error that would have done
6 something along those lines. So again,
7 training would do those things.

8 Again, there's no -- I'm trying to
9 answer your question as best I can. I was
10 not really aware of the other specific --
11 specificity of that August order. I
12 wasn't focused on that at the time,
13 because I was mainly focused on the
14 equipment side of that when we were trying
15 to work to get that procured. So the
16 voter registration was kind of off to the
17 side on that end.

18 Everything I'm aware of now shows me
19 that, if there is an error, I've never
20 seen an error that the system itself
21 caused. It was normally the county didn't
22 do something right, the county input
23 person didn't do something right.

24 So outside of that, I don't know what
25 level this kind of thing occurs on. And

1 the inability to cast a ballot at your
2 polling location, I mean, we have a
3 process in place for provisional ballots
4 as it is in the law, so I'm not quite sure
5 how that fits.

6 BY MR. BROWN:

7 Q. Did -- are you aware of any formal or even
8 informal plan that the Secretary undertook between
9 August of 2019 and the work that you're doing
10 procuring a new system to address errors and
11 discrepancies in the voter registration database?

12 A. Well, one of the main things that we did
13 with the passage of HB 316, the Secretary insisted
14 we be allowed to join the Electronic Registration
15 Information Center, which would allow us to update
16 our voting rolls more specifically and more quickly
17 with better data.

18 We will have access to social security
19 death records, which we didn't have before. We
20 will have consistent access to the National Change
21 of Address versus the one time every two years we
22 were doing it before.

23 But again, human beings being human
24 beings, you can only mitigate those kind of errors
25 up to people being trained and doing their jobs the

1 way they are supposed to be doing their jobs. And
2 obviously, in a county with many, many more people
3 with less strong management, say, for instance,
4 like a Fulton, we see more of those kind of issues.

5 Like, the data errors I've seen more and
6 those things is their failure to merge records
7 properly, they're not pulling dead people off the
8 rolls. And that's just mainly -- that's a
9 managerial thing at the county level. And that's
10 something that we can't go and handhold county
11 workers as they input data.

12 And the main data that they would be
13 inputting that wouldn't be coming directly over
14 from the Department of Driver Services, which is
15 obviously going to be a cleaner set of data because
16 they have to go through other checks and they have
17 the -- an A.P.I. they -- that lines up to say this
18 is a real address, is when they're inputting stuff
19 from paper registrations and there is a higher
20 likelihood of user error, human error putting them
21 into the system.

22 (Whereupon, Plaintiff's
23 Exhibit 17 was marked for
24 identification.)

25 BY MR. BROWN:

1 Q. Can you access, I'm not sure if I'm doing
2 this right, but can you access Exhibit 17?

3 A. Let me take a look. Yes, I've got one
4 here that says Sterling Fulton Recount Results Tab.
5 Is that what that is?

6 Q. No. It should be Sterling S.O.S.
7 Carahsoft Agreement. Do you see that?

8 A. Ah. It's way down here. Yes, I've got
9 it.

10 Q. Okay. And what's the number of that that
11 you show?

12 A. Well, there's two different exhibit names
13 on here. They have -- there's something called CGG
14 17, which is Exhibit 35. And I realize now Exhibit
15 17 and not the CGG 17 is what you're referring to,
16 so that's what I'm looking at.

17 MR. BROWN: Let me take a quick
18 break, because I don't want the record
19 screwed up on the numbers here. And I'll
20 just be back in a minute. Okay?

21 THE WITNESS: All right.

22 MR. BROWN: Excuse me. Let's go off
23 the record a second.

24 THE VIDEOGRAPHER: We're off the
25 record at 3:03.

1 (Whereupon, a discussion ensued
2 off the record.)

3 (Whereupon, there was a brief
4 recess.)

5 BY MR. BROWN:

6 Q. Okay. Back on the record. What is
7 Exhibit 17?

8 A. It's the original scope of work through
9 Carahsoft and the partnership with MTX for the
10 Salesforce implementation of a voter registration
11 system for Georgia.

12 Q. And if you scroll down to Page 39 real
13 quickly you'll -- or you may not even need to, but
14 you're identified as the escalation contact?

15 A. Yeah.

16 Q. And what does that mean?

17 A. If there's ever a question of scope or a
18 problem and the functioning level people can't come
19 to an agreement to move forward, it would -- it
20 gets escalated to me to make a decision one way or
21 the other on how to handle it moving forward.

22 Q. And you testified earlier about
23 anticipated implementation. If you would turn to
24 Page 19 of Exhibit 17, I'd like to just sort of
25 compare what you said, not in a critical way, I'm

1 just trying to get the information.

2 A. Okay.

3 Q. Look at Page 19 --

4 A. 19.

5 Q. -- of Exhibit -- of Exhibit 17. I want to
6 just sort of map what you said against what is in
7 the scope of work.

8 A. Okay. I've got Page 19 as the
9 classification level. Is that what you're looking
10 at?

11 I'm sorry. Page 19 numbered or Page 19 of
12 the P.D.F.?

13 Q. Correct -- well, which is -- which is the
14 correct answer?

15 A. I don't know.

16 Q. Oh.

17 A. Because Page 18 of the document is Page 19
18 of the P.D.F.

19 Q. Look at -- look at the page that says
20 Project Plan. It's Page 21.

21 A. Yes. Here we go.

22 Q. You've got that? 21? Okay.

23 A. Yes.

24 Q. And so looking at that, where are you in
25 the implementation of the new system, then?

1 A. Well, as I mentioned earlier, which may
2 have been missed, was we've done a subsequent scope
3 of work to escalate this to a faster pace.

4 Q. Okay.

5 A. We are in sprint -- to compare it to this,
6 we are in sprint -- we just completed sprint three
7 in the Agile process.

8 Q. Were you -- were you involved in the
9 procurement of this contract -- again, you
10 testified that you were involved in figuring out
11 what sort of database you needed.

12 Were you involved in the procurement
13 process if there was one for this?

14 A. For the procurement process, what we did
15 was we used -- there's an existing bid state
16 contract through Carahsoft for Salesforce.

17 Q. Okay.

18 A. So we used the existing state contract to
19 bring Salesforce in with their integrator, which is
20 MTX for this project.

21 (Whereupon, Plaintiff's
22 Exhibit 18 was marked for
23 identification.)

24 BY MR. BROWN:

25 Q. Let me direct your attention to the next

1 exhibit, which should be Exhibit 18.

2 A. The mobile ballot printing?

3 Q. Right.

4 A. Yeah.

5 Q. And the mobile ballot printing is
6 Dominion's name for a ballot printer; is that
7 right?

8 A. Uh-huh. Yes, sir.

9 Q. And this brochure is an example of how you
10 could purchase, I take it, from Dominion an
11 application that will allow for mobile ballot
12 printing; correct?

13 A. Correct.

14 Q. Are you familiar with the issue of -- in
15 early voting, a precinct will have to have an array
16 of ballot styles; correct?

17 A. Yes.

18 Q. I should say a voting -- a voting place
19 should have an array of ballot styles; correct?

20 A. An early voting location, they don't need
21 to have a -- remember, right now in Georgia, we
22 early vote in person on B.M.D.s. So they would
23 have all the ballot styles available through the
24 encoding on the cards for -- they were all loaded
25 into the B.M.D.s.

1 Q. If you didn't have a B.M.D., you would
2 need to have an adequate stock of paper ballots for
3 the -- for the ballot styles that you anticipated;
4 correct?

5 A. Correct.

6 Q. And one way to achieve that if you didn't
7 have a B.M.D. machine would be to have a mobile
8 ballot printer; correct?

9 A. Yes.

10 Q. In addition to that, given just for
11 demographics for a particular early voting
12 location, a large percentage of the people could be
13 supplied with a smaller percentage of ballot
14 styles, correct, leaving, say, a certain number of
15 ballot styles for people who came from a further
16 distance away; correct?

17 MR. RUSSO: Objection to form.

18 THE WITNESS: I'll be honest, I'm not
19 quite following your question there --

20 BY MR. BROWN:

21 Q. Well, have --

22 A. -- Mr. Brown.

23 Q. Has the Secretary looked at the
24 feasibility of using a mobile ballot printing if
25 you didn't have a B.M.D. for accommodating ballot

1 styles?

2 A. No. Because the -- we vote on B.M.D.s.
3 So I wouldn't look at other options to that, other
4 than I believe we had to look at the possibility of
5 what we would have to do. I think the judge
6 ordered to have some kind of look at that.

7 And while it'd be feasible, it still would
8 be logistically difficult in the current
9 configuration of the system.

10 Q. Do you know how much the application costs
11 by any chance, the -- or --

12 A. No, I don't. I don't know off the top of
13 my head.

14 Q. You spoke -- I'm going to change gears a
15 little bit. You spoke at length about the hand
16 audit. Are you with me?

17 A. The tally, yes.

18 Q. The -- and did you -- is it actually a
19 risk-limiting audit? Was it actually a
20 risk-limiting audit?

21 A. No. Because I mean, again -- I'm not a
22 scientist on this front. I will speak in common
23 sense terms. It wasn't a risk-limiting audit in
24 terms of the election was so close -- and some of
25 the literature I've said says basically, once you

1 get to a point where you're pulling 20 percent or
2 more of the ballots, you're just as well off to do
3 a complete hand re-tally.

4 And we were going to be well past that
5 given the closeness of the race being at, oh, gosh,
6 I can't remember the number now, but it was well
7 inside half a percent. I think it was point
8 15 percent out of five million ballots that were
9 cast.

10 So the hand tally, while not being a
11 risk-limiting audit per se because of the rules
12 around risk-limiting audits, working were with
13 VotingWorks, this was the best option to reach
14 the -- what we were trying to achieve, which was to
15 show that the computers tallied the votes as they
16 were presented to the computers.

17 (Whereupon, Plaintiff's
18 Exhibit 19 was marked for
19 identification.)

20 BY MR. BROWN:

21 Q. If you would turn to Exhibit 19, which is
22 a statute, 21-2-498.

23 A. Yes, I've got it.

24 Q. The statute is entitled Pre-Certification
25 Tabulation Audits, Rules and Regulations,

1 Risk-Limiting Audit Pilot Program. Do you see
2 that?

3 A. Yes.

4 Q. If you would -- I just want to see where
5 we are in terms of what the State has done on this
6 to match it up with the actual activities on the
7 ground. If you'd look at Subsection B.

8 A. Okay.

9 Q. It says:

10 [As read] "As soon as possible,
11 but no later than November 2020,
12 general election, the local election
13 superintendents shall conduct
14 pre-certification tabulation audits
15 for any federal or state general
16 election in accordance with
17 requirements set forth by rule or
18 regulation by the State Election
19 Board."

20 Do you see that?

21 A. Yes.

22 Q. Was that done?

23 A. I would have to look at what the actual
24 audit rule says. Because you've got to understand,
25 we were allowed to do -- we could define what a

1 pre-certification tabulation audit was. We chose
2 to where, if we could, do what would be called an
3 R.L.A., or risk-limiting audit.

4 But then with the closeness of this, we
5 had to go the next best route we could, because we
6 couldn't have not chosen the presidential election
7 to do the hand tally on.

8 And I don't want to get into the argument
9 of the head -- angels on the head of a pin about
10 the difference between an audit, a risk-limiting
11 audit or a hand tally.

12 The hand tally achieved the goal that was
13 intended by the law, which was to show that the
14 equipment tallied the votes as cast properly. And
15 that's what was achieved through the hand tally
16 that was done in five days.

17 Q. When you say "we chose," who's the "we"?

18 A. The Secretary chose the race that would
19 be -- undergo the audit slash tally.

20 Q. So you were a little bit ahead of me on
21 answering a question I didn't ask. I appreciate
22 that. But my question was relating to "the local
23 election superintendent shall conduct
24 pre-certification tabulation audits in
25 accordance" --

1 A. Yes.

2 Q. -- "in accordance with the requirements
3 set forth by rule or regulation" by the State
4 Election Board.

5 Okay. Are there rules set forth by the
6 State Election Board for -- that match up with
7 Subsection B?

8 A. As I understand it, yes.

9 Q. Okay. And did, prior to or during the
10 November 2020 election, local election
11 superintendents conduct pre-certification
12 tabulation audits in accordance with that rule?

13 MR. RUSSO: And objection to the
14 extent it calls for a legal conclusion.

15 THE WITNESS: I would think that the
16 hand tally meets the goal and intent of
17 the law and the rule.

18 BY MR. BROWN:

19 Q. So by doing the hand tally on the
20 presidential election, you're saying that the local
21 election superintendents complied with this law?

22 MR. RUSSO: Same objection.

23 THE WITNESS: Yes. The Secretary,
24 who by the law or rule, I can't remember
25 which one, got to choose which election it

1 was done on. He chose the presidential.

2 That was done in all 159 counties by the

3 local election superintendent and their

4 designees through their audit teams. So

5 yes.

6 BY MR. BROWN:

7 Q. And was that audit done in public view?

8 A. Yes. I mean, I saw streaming. I know the
9 public was allowed to see. In some cases -- I know
10 in Fulton there were some arguments internally
11 about who was able to see what, and they put up
12 some barriers which I think were incorrectly done.

13 And I believe that there was a lawsuit at
14 the time where the attorney was Jason Thompson, and
15 he won and Fulton had to take down some of those
16 barriers.

17 So I believe that was around the hand
18 tally, but I honestly can't recall right now
19 because there were so many around that time.

20 Q. Let me direct your attention to Subsection
21 E of the same law.

22 A. Bear with me to -- while I scroll down.

23 (Whereupon, the document was
24 reviewed by the witness.)

25 THE WITNESS: I see it.

1 BY MR. BROWN:

2 Q. And has the Secretary of State conducted
3 "a risk-limiting audit pilot program with a risk
4 limit of not greater than 10 percent in one or more
5 counties by December 31, 2021"?

6 A. Again, from the Secretary's point of view,
7 and I believe from Mr. Germany and the State
8 Election Board, the hand tally met the obligation
9 under this code section.

10 But again, I'm not a lawyer, so I'm not
11 going to -- the real world is yes, it was done that
12 way. And we've had other discussions about how do
13 we make these things better and how do we make sure
14 we have ballot manifests done properly. So there's
15 always an ongoing discussion internally.

16 Q. So it didn't really follow the law but
17 what the Secretary thought the law meant; is that
18 fair to say?

19 A. No, I'm not saying that.

20 Oh, I'm sorry, Vincent.

21 MR. RUSSO: I'm going to object to
22 form and also to the extent it's outside
23 the scope of the 30(b)(6) topics.

24 You can go ahead.

25 THE WITNESS: And my previous answer,

1 no, that's not what I said.

2 BY MR. BROWN:

3 Q. The second sentence of Subsection E says:

4 [As read] "The Secretary shall

5 review the results of the pilot

6 program..."

7 So you're calling the hand tally of the

8 presidential election the pilot program?

9 MR. RUSSO: Objection. Same as

10 before, calls for a legal conclusion.

11 THE WITNESS: And frankly, with all

12 the stuff going around, I'm not sure

13 what -- how best to call it or define it.

14 I think that probably would've met the

15 qualification for that.

16 And I frankly don't know if we did --

17 I think that there was a report done, but

18 I honestly can't recall because there's

19 been several different reports especially

20 to the General Assembly on different items

21 around this.

22 BY MR. BROWN:

23 Q. Judge --

24 A. I mean, the elections in general.

25 Q. Judge Totenberg in her August 15, 2019

1 order ordered the State:

2 [As read] "...to file with the
3 Court a copy of any proposed rules as
4 well as final rules adopted by the
5 Georgia Board of Elections for the
6 Office of Secretary of State relating
7 to protocols and provisions for
8 auditing of election results and
9 ballots as authorized or required by
10 O.C.G.A. 21-2-498 within two days of
11 their issuance."

12 Do you know if the Secretary has complied
13 with that order?

14 MR. RUSSO: I'm going to interpose an
15 objection, outside the scope of the
16 deposition.

17 THE WITNESS: I don't know. You'd
18 have to check with Ryan Germany.

19 BY MR. BROWN:

20 Q. Now, you mentioned that -- well, did the
21 hand tally seek to follow the regulations that are
22 in place for audits?

23 MR. RUSSO: And objection. Calls for
24 a legal conclusion.

25 THE WITNESS: Mr. Brown, we were

1 doing -- we were under a complete time
2 strain under the President of the United
3 States's claim the Dominion machines were
4 flipping votes. The best possible outcome
5 was to do the hand tally to prove and show
6 that they did [sic].

7 We brought in VotingWorks, who were
8 the people that I believe are seen as
9 experts in the United States for actually
10 implementing on the ground actual R.L.A.s
11 and other audits.

12 Again, I'm not in the best position
13 to argue over the angels on the head of a
14 pin. The reality was they did the count.
15 It was well within what people consider
16 normal margin of error and even closer
17 than that.

18 I mean, point 1053 percent off in the
19 total votes and point 0099 percent off in
20 the margin showed that the machines
21 counted the ballots as presented to them
22 properly.

23 And that was one of the biggest
24 things we were trying to push back on
25 against Trump and, you know, people who

1 were claiming that machines can be hacked
2 and Russians and whatever else you want to
3 call it, I mean.

4 So we did in the real world the --
5 doing the hand tally fully in my -- from
6 my point of view did more to prove than if
7 a, quote, unquote, risk-limiting audit
8 would be done on a limited number of
9 ballots. Counting each one, it showed
10 that the machines did properly count the
11 votes.

12 BY MR. BROWN:

13 Q. Let me be transparent in the thrust of my
14 questions. So our lawsuit is not about the 2020
15 election or necessarily the decisions that you
16 made, you and the Secretary made with respect to
17 the 2020 election. Our lawsuit is about the next
18 election and whether Georgia has a vulnerable or a
19 secure election system.

20 Are you with me?

21 A. Well, when you filed, the election -- the
22 next election was the 2020 election. So --

23 Q. No. It was the 20 --

24 A. -- it's kind of hard for me to separate
25 the two.

1 Q. It was the 2018 election, actually, I
2 think.

3 A. Okay. Yeah. So it's two elections ago.

4 Q. Right. We're seeking prospective
5 injunctive relief.

6 A. Okay.

7 Q. We're looking ahead, just as you are in
8 your work, we're looking ahead at the next
9 election.

10 Are you with me?

11 A. Yes.

12 Q. Okay. And when we look at the security of
13 Georgia's system right now and your testimony today
14 and questions about whether and to what extent it's
15 vulnerable, you have repeatedly come back to this
16 hand audit that you did as showing that the system
17 is not vulnerable.

18 And so whether or not the hand audit was
19 sufficient for whatever purpose you used it for the
20 presidential contest is one issue. I'm addressing
21 to whether and to what extent it's a reliable
22 measure for just how secure the underlying system
23 is.

24 Do you follow me? They're totally
25 different --

1 A. I get to where you're trying to go.

2 Q. Okay. And when you did -- and so some of
3 these questions aren't picking at you for not
4 following the rules. They're just designed to see
5 just how good that hand audit was as a measure of
6 the underlying vulnerability or not of the system.

7 Do you follow me?

8 A. (Whereupon, there was no audible response
9 by the deponent.)

10 Q. So in the --

11 A. I follow you, but I also would not -- do
12 not accept the characterization that we didn't
13 follow the rules.

14 Q. Okay. Let's look at the rules, then.

15 (Whereupon, Plaintiff's
16 Exhibit 20 was marked for
17 identification.)

18 BY MR. BROWN:

19 Q. Let's look at Exhibit 20. And for the
20 record, Exhibit 20 is Rule 183-1-15-.04 Audit. Are
21 you with me?

22 A. Yes.

23 Q. And do you see where it says:

24 "Prior to county certification,
25 the election superintendent of each

1 county shall prepare a ballot
2 manifest..."?

3 Do you see that?

4 A. Yes.

5 Q. Did election superintendents at each
6 county prepare ballot manifests prior to county
7 certification with respect to the audit?

8 MR. RUSSO: Objection to the extent
9 it calls for a legal conclusion.

10 THE WITNESS: Yes, it's my
11 understanding they did. Because they
12 wouldn't have been able to put stuff into
13 Arlo. And Arlo and this was all done
14 before certification -- well, that's for
15 State certification.

16 The ballot manifests, to do them, you
17 normally have to do them as you're going.
18 So as to the exact times, my assumption is
19 yes, they all did. Is it possible some
20 may not have? It's potentially possible,
21 but I'm not aware of it.

22 BY MR. BROWN:

23 Q. So there is a separate document that, from
24 each county, that's a ballot manifest that gives an
25 inventory of the tally sheets that are going to be

1 put into Arlo or that were put into Arlo; is that
2 your testimony?

3 A. That's not exactly -- okay. Let me see if
4 I can -- restate to me what you're trying to ask
5 here, because I now am a little lost.

6 Q. I'll just be blunt. I've looked at a lot
7 of files, and I haven't seen any ballot manifest
8 that matches what I understand a ballot manifest to
9 be.

10 A. I've seen several that do. I've seen some
11 where they've mismanaged some of the stuff on the
12 front end, and we know that. And that's one of the
13 reasons that I -- we were talking about internally
14 in our office how do we do this to where the ballot
15 manifests just become a standard thing that they do
16 as they go.

17 Let's remember a few other things while we
18 keep this in perspective. We were still in the
19 middle of a COVID crisis. We were still in the
20 middle of a new voting system. And then not long
21 after this, we were in the middle of large scale
22 misinformation, disinformation around the
23 elections.

24 So our county people did as best they
25 could for the first time doing it, and I think we

1 probably learned some items from that. And our
2 elections directors -- and we have now, like I
3 said, reorganized parts of the office to help make
4 sure we have better relationships between our
5 liaisons and the counties as we move forward.

6 And we're trying to lean on the strong
7 counties to help the weak counties on the training
8 side of this, because we do understand that we need
9 to have good audits that people can have faith in
10 moving forward.

11 Q. Right. The point I'm getting at is that
12 you didn't have good audit for the 2022 [sic]
13 election. And it might have been sufficient for
14 the presidential election, but it isn't sufficient
15 to determine whether or not the underlying system
16 has vulnerabilities.

17 That would have to be with other evidence;
18 correct?

19 A. I think you meant the 2020 election. You
20 said 2022 election.

21 Q. Right. You're --

22 A. And frankly, no, I disagree with that
23 statement. Again, I think it was adequate to show
24 that the machines counted things properly.

25 (Whereupon, Plaintiff's

1 Exhibit 21 was marked for
2 identification.)

3 BY MR. BROWN:

4 Q. Okay. Turn to Exhibit 21. And for the
5 record, Exhibit 21 is a several-page document. The
6 first one is -- has the title Arlo Ballot Manifest.

7 A. Yes.

8 Q. Do you see that?

9 A. Yes.

10 Q. And is it your testimony that counties
11 prepared a ballot manifest as described by Arlo in
12 this document?

13 A. To the best --

14 MR. RUSSO: Sorry. Can you just read
15 the document first, please?

16 THE WITNESS: Give me a moment,
17 because it's my first time seeing this --
18 I've seen this, but it's been a while.

19 BY MR. BROWN:

20 Q. Okay.

21 (Whereupon, the document was
22 reviewed by the witness.)

23 THE WITNESS: I've read it. Now ask
24 your question again, Mr. Brown.

25 BY MR. BROWN:

1 Q. Yeah. Did the counties prepare ballot
2 manifests as described in this Arlo document?

3 A. Perfectly as it described that? I highly
4 doubt it. I know that there was an attempt by
5 every county to do it the proper way, but they may
6 have come up short. And some may have done it
7 perfectly.

8 I know that I -- like, I walked into
9 Fulton County and saw their batches with the names
10 on labeled boxes that matched up on some of these
11 things. So I know that there was an attempt by all
12 the counties to do it properly.

13 Q. Right. But the whole purpose of the
14 ballot manifest is to give an external document to
15 the actual tally so you know whether or not
16 everything's been counted and accounted for;
17 correct?

18 A. Yes. That's correct.

19 Q. Okay. And instead what we have seen, and
20 just correct me when I'm wrong when we're looking
21 at this, is that -- let me walk through this to
22 make sure I've -- to genuinely make sure I'm
23 getting this correct. This is not to try to trap
24 you, so correct me if I'm wrong.

25 Okay?

1 A. Okay.

2 Q. My understanding is that -- is that the
3 Arlo system is an application that appears on a
4 computer screen. And the poll workers or election
5 people will take a tally sheet, which is
6 handwritten, and then enter in the tally sheet into
7 the Arlo system on-line.

8 Correct?

9 MR. RUSSO: And I'm going to object
10 to the form of the question, Bruce.

11 THE WITNESS: Again, I'm not an
12 expert on how Arlo actually works. My
13 understanding, essentially, is you do the
14 ballot manifest prior to the tallying
15 being done, the hand tallying being done.

16 You need to know the number of
17 ballots inside the batches, and the names
18 need to make sure they're separate, and
19 you don't want to necessarily have them
20 match up to the tabulator.

21 At -- you're not -- you're not trying
22 to achieve a goal of matching the thing.
23 That's one of the things it specifically
24 says on Page 3. They would take those and
25 then input the things from the tally

1 sheets once they have been counted into
2 the Arlo system.

3 Now, if memory serves on this one, I
4 think you had to put the batches into Arlo
5 first. Because in a normal situation it
6 would say there's 250 ballots in batch
7 seven from precinct one. And it varied
8 out throughout whatever was in the county.

9 Then you have the dice, the however
10 many dice they have to roll to get the
11 randomized number to start the process
12 from -- so you can randomly choose, go get
13 a ballot from batch B73, which is what you
14 normally would be trying to do in the
15 different counties and everything.

16 We couldn't have that match -- that
17 done here as clearly in large part because
18 of the fact we had to do a complete hand
19 re-tally. We didn't have to do those
20 parts of it.

21 But you have to have the batches
22 lined up with the amounts in each one of
23 the batches beforehand so Arlo can then
24 tell you what you have to go pull for the
25 randomized samples. And it depends if

1 you're doing a batch comparison or a
2 ballot comparison. So there's two
3 different ways to do it.

4 And I think the intent when the
5 Secretary chose to do an R.L.A. originally
6 back in May was to do batch comparisons at
7 the beginning, if memory serves, but I --
8 I'm 99 percent sure on that.

9 Kevin Rayburn was one of our internal
10 audit experts before he left, and he was
11 the one that helped kind of construct a
12 lot of this stuff on the front end.

13 BY MR. BROWN:

14 Q. Okay. But then the county in the actual
15 hand audit that was done would take a handwritten
16 tally sheet and then enter that into the computer;
17 correct?

18 A. Hopefully correctly, yes.

19 Q. And then those numbers would populate a
20 central database at the Secretary of State's
21 office; correct?

22 A. With VotingWorks, actually, but yes.

23 Q. Okay. And with VotingWorks sort of under
24 the Secretary of State's umbrella?

25 A. We contracted with VotingWorks to run the

1 hand tally. They originally contracted to do a
2 risk-limiting audit.

3 Q. Okay. Now, have you physically seen a
4 document that's a ballot manifest for the counties,
5 or does that reside somewhere in the Arlo
6 application?

7 A. I think it -- I'm -- again, it's been over
8 a year since I've had to deal with any of this. I
9 believe that there's, in most counties, there's
10 probably a hard copy of what they did, and then
11 there's the ballot manifests inside Arlo where it
12 should have been loaded at that time as well, it's
13 my understanding.

14 (Whereupon, Plaintiff's
15 Exhibit 22 was marked for
16 identification.)

17 BY MR. BROWN:

18 Q. Okay. If you could turn to Exhibit 22,
19 Mr. Sterling. And for the record, Exhibit 22 I'll
20 represent to you, and you don't have to believe it,
21 but for purposes of this questioning you might,
22 this is an extraction from the Secretary of State's
23 statewide listing of the tallies in each county.

24 A. Okay.

25 Q. This particular exhibit is just for DeKalb

1 County. Are you with me?

2 A. Yes.

3 Q. And --

4 MR. RUSSO: Object. Lacks
5 foundation.

6 BY MR. BROWN:

7 Q. If you -- if you scroll down, you'll see
8 that there are a couple hundred rows with each row
9 being a batch of ballots, or tallies from a batch
10 of ballots.

11 Are you with me?

12 A. Yes. But I'm confused. You're saying
13 this is an extraction, but I see the words "CGG
14 total" on here. So does that mean that the
15 Coalition did some other work on this sheet?

16 Q. Yes. We -- just I'll show them to you.

17 A. Okay.

18 Q. That's a fair question. I'm glad you
19 asked that. I believe that C.G.G. did some totals
20 at the bottom row that would not -- was not in
21 the -- in the original spreadsheet. Hang on just
22 one second.

23 If you'd look -- if you look at the Excel
24 row 280, do you see that?

25 A. Yes. Where it says "CGG total."

1 Q. Yeah. That's what's been added to this.
2 And it's the total of votes for Joe Biden, Donald
3 Trump, and then Mr. [sic] Jorgensen.

4 Do you see that?

5 A. Yes. But it looks like it leaves out --
6 no. I guess it's got invalid write-ins, valid
7 write-ins which are not included in the totals,
8 blank under-votes and over-votes.

9 Q. That's right. Those were not tallied.
10 You could if you wanted to, and that -- and we did
11 not do that in this particular exhibit.

12 And then do you see in Column B, and you
13 can scroll up and down if you want, there's various
14 descriptions of the different tallies? Do you see
15 that?

16 A. Column B says batch name in most -- for
17 most of mine. Is that what you're referring to?

18 Q. Right.

19 A. Okay. And batch type is at Column C.
20 That's the different type that it is.

21 Q. That's right. That's the mode of voting;
22 right?

23 A. Yes.

24 Q. And now, we have reviewed the batch sheets
25 for DeKalb, and we have some questions for you on

1 that. And I may need for you to go back and forth,
2 but let me do the best I can here.

3 (Whereupon, Plaintiff's
4 Exhibit 27 was marked for
5 identification.)

6 BY MR. BROWN:

7 Q. Let me jump down to Exhibit 27.

8 A. Okay.

9 Q. And this is -- this is an example of maybe
10 human error, maybe system. I don't know. But if
11 you look at this, it says batch name 2339. Do you
12 see that?

13 A. Yes.

14 Q. Do you see where it shows that Biden got
15 1,825 votes? Do you see that?

16 A. Yes.

17 Q. All right. Just make a mental note of
18 batch 2339.

19 MR. RUSSO: And Bruce, I don't know
20 where this document came from, so I'm just
21 going to object to the extent that it's --
22 lacks foundation.

23 BY MR. BROWN:

24 Q. And then if you'd go back to Exhibit 22,
25 which is the list --

1 A. Yes.

2 Q. -- and if you'd find batch 233 --

3 A. It's line -- it's Line 127.

4 Q. Thank you. Do you see the number there?

5 A. Yes. It looks like they left off one for
6 1,825.

7 Q. Is that a mistake that you caught before
8 or just seeing it here for the first time?

9 MR. RUSSO: Objection to form.

10 THE WITNESS: Again, we didn't look
11 for human input errors. We were looking
12 in the aggregate. So that's the first
13 time I'm seeing this specific one of batch
14 2339 for DeKalb County.

15 Were we aware that there were input
16 errors? Yes.

17 BY MR. BROWN:

18 Q. Let me get back to the ballot management
19 issue. And is there anything on Exhibit 22, I'm
20 not suggesting that there should be, okay, but is
21 there anything on 22 that would tell somebody who
22 is looking at this how many batches DeKalb was
23 supposed to have?

24 MR. RUSSO: Objection. I think you
25 already told us, Bruce, that your --

1 Coalition created this document; right?

2 BY MR. BROWN:

3 Q. With that -- with that prompting,
4 Mr. Sterling, can you answer the question?

5 A. Well, let me look across the whole thing.
6 And again, "supposed to have," again, is a
7 subjective question.

8 Q. Yeah. It's a normative question. Things
9 are done the right way or the wrong way. And so
10 what I'm saying --

11 A. Or you -- again, "supposed to have," it
12 depends on how they chose to break their batches
13 up. Even in the description you gave me on Page 3,
14 it specifically contemplated and suggested, if
15 there is a batch -- if there is a delineation
16 within a batch itself, a batch should be noted as a
17 separate batch.

18 So if you're trying to say that there
19 ought to be a rule that says that there are three
20 different ballot -- or four different ways to vote
21 in a particular precinct, you make -- take the
22 number of precincts and multiply by four and that's
23 the number of batches you'd have, that is not the
24 case on the front end.

25 If you're saying the Arlo software ought

1 to have that, maybe it should, but that's not --
2 you know, they are viewed from every person I've
3 read and seen as the world leaders in the United
4 States of implementing these kind of risk-limiting
5 audits.

6 Now they're saying that their software
7 isn't adequate to the task. I don't know who else
8 you would go to to create those kind of things
9 necessarily. But again, "should" and "does" are
10 not -- those are subjective terms that I'm not
11 necessarily going to agree with your
12 characterization because of those rules and the way
13 they can be done.

14 Q. I mean, is there an indication of the
15 number of ballots that should be counted to
16 determine whether there is a large number of human
17 error or some other problem?

18 A. Well, I'm looking on page -- sorry, Line
19 8, Column E that says there's 5,023,000 there.
20 That's overall for the State. And let's see.
21 Two -- and I'm looking, those are statewide
22 numbers. And again, this was a statewide
23 risk-limiting audit. It's a statewide system. It
24 is not county by county. You're not supposed to be
25 able to do that.

1 One of the advantages from my
2 understanding of this is, at the county level, you
3 don't want them to be putting in things trying to
4 target to reach what they met before. They're
5 supposed to be putting in only what they see on the
6 tally sheets.

7 If they made a mistake, like you pointed
8 out 2339, obviously that's a problem. But there's
9 going to be human error in every hand tally and
10 every risk-limiting audit. There's going to be
11 human error. There's going to be input error.

12 You're at a rule of law of large numbers
13 here where those errors are going to kind of
14 balance out, which they essentially did, it looks
15 like, over five million votes that were hand
16 tallied.

17 In a risk-limiting audit, those numbers
18 will be smaller. And if you don't read -- meet the
19 risk limit, you go to the next round of ballots to
20 pull. But again, that only works properly if you
21 have a proper ballot manifest done on the first --
22 in the -- in the front end, yes.

23 Q. And the -- where do you think we could
24 find the ballot -- I mean, this is discovery;
25 right? I want to find it, the ballot manifest for

1 DeKalb. Because it really would have helped us
2 review the accuracy of this sheet quicker if we had
3 one.

4 Where would -- would DeKalb County
5 supposed to have one? Do you -- does it say --

6 A. I do not know the answer to that.
7 Mr. Brown, I don't know the answer to that
8 question. I would -- I would recommend you maybe
9 talk to VotingWorks, who are the ones who we're --
10 we leaned on their expertise on how to best run
11 this process.

12 (Whereupon, Plaintiff's
13 Exhibit 24 was marked for
14 identification.)

15 BY MR. BROWN:

16 Q. Okay. Look at Exhibit 24. And you see
17 that says Tucker?

18 A. Yes.

19 Q. And just remember 195 for Trump. Okay?

20 A. And either 420 or 120 for Biden depending
21 if you're looking really closely.

22 Q. Yeah. I think it's --

23 A. It's 420, but it --

24 Q. I think the Democrats say that's 420.
25 Don't you?

1 A. I believe that's -- no pun intended.

2 So what was -- that was Tucker what?

3 Q. Tucker.

4 A. Library or Tucker --

5 Q. No. Just Tucker.

6 A. Okay.

7 Q. Tucker Election Day 195.

8 A. Okay.

9 Q. Do you -- do you see that on there?

10 A. I'm looking. There's a lot of Tucker on
11 here. I see 395 and 811 for one Election Day for
12 Tucker, but I see a lot of different Tucker names
13 in here. So which one -- which line are we saying
14 this is supposed to potentially correspond to?

15 Q. Well, no idea, because it doesn't appear
16 on here. We couldn't find it.

17 MR. RUSSO: I'm going to object to
18 the form of the question. It lacks
19 foundation anyway.

20 BY MR. BROWN:

21 Q. I mean, I'm just telling you we couldn't
22 find it, and we don't see it anywhere.

23 MR. RUSSO: Oh, I don't have the
24 exhibit. Sorry. I was referring to
25 Exhibit 24. I think I've already checked

1 into 22. Lack of foundation.

2 THE WITNESS: Oops. Sorry. I'm
3 looking at the wrong exhibit.

4 BY MR. BROWN:

5 Q. Okay. Let's move on.

6 A. And I'm guessing it's probably going to --
7 it looks like it would match close -- the most
8 closely to -- no. That's not right.

9 You're right, I don't see one that would
10 potentially even look like it was a typo
11 necessarily. Just it didn't make it onto here or
12 they mixed it in with another batch on top of it.

13 (Whereupon, Plaintiff's
14 Exhibit 25 was marked for
15 identification.)

16 BY MR. BROWN:

17 Q. Okay. Look at Exhibit 25. And I'm not
18 going to trick you. There's -- we've got two
19 Tucker libraries. One was counted, one wasn't.
20 The one that was counted -- well, the one that was
21 uncounted is cleverly labeled Tucker library
22 uncounted. That's Number 25. And we couldn't find
23 that on there, but we could find a counted Tucker
24 library on there.

25 MR. RUSSO: To the extent there's a

1 question on 25, I'll object to the form
2 and lack of foundation.

3 BY MR. BROWN:

4 Q. Do you see where --

5 A. So what --

6 Q. Do you see where the audit board batch
7 sheet for DeKalb Tucker library with 400 votes for
8 Donald Trump appears on Exhibit 22?

9 A. No. But also it doesn't mean it wasn't
10 blended in with another one, either on purpose for
11 filing purposes or by accident.

12 Again, this is in the aggregate, and this
13 is over five million votes. And we have -- I would
14 stipulate there is going to be miscounts, things
15 written wrong on tally sheets and things entered
16 incorrectly into Arlo. All of those things are
17 likely true because we're dealing with hundreds, if
18 not thousands, of people doing these jobs.

19 Q. Right. And what I'm getting at is that,
20 our point is that, while that sort of accuracy is
21 good for the presidential election for hand
22 grenades and for horseshoes, is it good enough for
23 you to be able to say, I know that that system is
24 secure because we did the hand audit?

25 MR. RUSSO: Is there a question?

1 MR. BROWN: Yes. That was a
2 question.

3 MR. RUSSO: Can you -- can you repeat
4 it? I didn't hear a question. Or she can
5 just read it back.

6 MR. BROWN: I'll just say it again.

7 BY MR. BROWN:

8 Q. If that sort of accuracy is good enough
9 for the presidential election hand grenades and
10 horseshoes, does that mean it's good enough to
11 be -- for you to be able to determine that the
12 underlying system is not vulnerable or it has
13 systematic errors?

14 MR. RUSSO: Objection to form of the
15 question.

16 THE WITNESS: Sir, this was done to
17 show that ballots were counted properly by
18 the machines. I will say again, in human
19 tallying there's going to be a large swath
20 of difference that would generally wash
21 out of large numbers.

22 In a normal risk-limiting audit, you
23 wouldn't have five million of these things
24 counted by thousands of individuals
25 quickly in five days and input hopefully

1 by one person in the computers, what it's
2 intended to do which it looks like a
3 couple of counties may not have done.

4 But in the environment in which we
5 were in and the environment that we are
6 in, the law calls for this to be done. We
7 feel like it was done. It did show that
8 the system did work properly, especially
9 in the presidential race.

10 And there's no reason, none, to
11 believe that anything untoward in any
12 other elections. And no one's made such a
13 claim or -- of that. And as I said
14 before, there are vulnerabilities in every
15 system in existence for elections.

16 And I think we need to continue to
17 work on making audits better and doing
18 training and all those kind of things that
19 we were already doing and would have done
20 regardless of this lawsuit's existence.
21 That's the reality.

22 So yes, I'm going to answer you and
23 say this tally at this time proved the
24 system worked the way it was intended.
25 And we will continue to work on

1 strengthening audits and doing better --
2 and doing better training.

3 And even now I believe Arlo has made
4 a change to where you can't put in the
5 same, I believe they're working on this at
6 least, you can't put in the same, inside
7 the same county, the same naming
8 convention so you don't have double input
9 errors in some of these things.

10 So I mean, there's always room for
11 improvement in these areas. And this is
12 not the only way we know something didn't
13 happen.

14 As I've said repeatedly, we did
15 acceptance testing on the machinery in the
16 beginning. We did L & A, logic and
17 accuracy testing before each election.
18 There was Pro V & V review in several
19 counties on several machines to show the
20 hash values remain the same. So it's not
21 one thing we're relying on.

22 This is a big one, there's no
23 question. Because the biggest claim that
24 existed, I know you didn't want to talk
25 about the 2020 election, you want to talk

1 about future ones, but the biggest claim
2 that existed was Dominion voting machines
3 were doing fractional voting or flipping
4 votes. This hand tally proved that didn't
5 happen.

6 (Whereupon, Plaintiff's
7 Exhibit 28 was marked for
8 identification.)

9 BY MR. BROWN:

10 Q. Let me direct your attention to Exhibit
11 28. This is --

12 MR. RUSSO: We can't hear you.

13 BY MR. BROWN:

14 Q. -- further back.

15 MR. RUSSO: Bruce, we can't hear you.

16 MR. BROWN: Oh, I'm sorry. Thank
17 you, Vince.

18 BY MR. BROWN:

19 Q. So let me direct you to Exhibit 28. And
20 this is for batch name 1956. Do you see that?

21 A. Yes.

22 Q. And do you see where that entry on Exhibit
23 22 for 1956 does not match the batch sheet?

24 A. Mr. --

25 MR. RUSSO: I'm going to object to

1 the lack of foundation.

2 THE WITNESS: Mr. Brown, again, I
3 think I've said that I'm sure you have
4 things you have found that don't match.
5 And I'm not going to say yes, they do
6 match, because obviously on this sheet
7 that you have provided, they do not.

8 BY MR. BROWN:

9 Q. Okay.

10 (Whereupon, Plaintiff's
11 Exhibit 29 was marked for
12 identification.)

13 BY MR. BROWN:

14 Q. Let me direct -- just for the record, look
15 at Exhibit 29. This is another batch sheet which
16 we can't find being counted, DeKalb County number
17 1836, with over 1,600 votes on it that do not
18 appear on the -- Exhibit 22.

19 MR. RUSSO: Objection to the form of
20 the question to the -- lacks foundation to
21 the exhibit.

22 BY MR. BROWN:

23 Q. Okay. Now, let me -- the problems that
24 I've been showing that you've been explaining and
25 about human error and difficulties with trying to

1 match up the batch sheets to this sheet that the
2 Secretary of State has on-line, that all came out
3 of DeKalb County; right? All the what I've been
4 talking about is DeKalb County; correct?

5 A. So far, yes.

6 Q. And you're aware of other counties having
7 difficulty with the same issues as DeKalb County;
8 correct?

9 A. Mainly Fulton.

10 Q. Okay. But it's not just Fulton?

11 A. I'm not aware of gigantic issues and other
12 things. Like I said, in aggregate, which is what
13 you're going for even when you're doing a full hand
14 re-tally, if you're doing an R.L.A. on a small
15 number of ballots, these kind of issues would
16 become much more apparent, readily apparent more
17 easily than if you're having thousands of people
18 handle these things.

19 Again, I think you're comparing apples to
20 oranges in these situations.

21 (Whereupon, Plaintiff's
22 Exhibit 23 was marked for
23 identification.)

24 BY MR. BROWN:

25 Q. Okay. Let me direct your attention to

1 Governor Kemp's letter, which is Exhibit 23.

2 A. Let's see. Sorry. You skipped around on
3 me, Mr. Brown.

4 Q. I did. I did.

5 A. Yes.

6 Q. I had some challenges numbering these. I
7 had excellent help. All the mistakes were mine,
8 believe me.

9 You've seen this letter; right?

10 A. Yes.

11 Q. And you've, I take it, studied the
12 attachment to it; is that right?

13 A. "Studied" would be a strong word.

14 Q. What's a --

15 A. I've looked at it.

16 Q. What's a weaker -- or what's a weaker --

17 A. I've looked at it.

18 Q. -- expletive? Okay.

19 A. I've looked at it, yeah.

20 Q. Okay. Have you been involved in
21 investigating the inconsistencies noted by
22 Mr. Rossi in the attachment to the governor's
23 letter?

24 A. No.

25 Q. Who has? Who with your office has been in

1 charge of that?

2 A. The investigations division, which right
3 now is under the Deputy Chief Callaway.

4 Q. Can you say that again, the name?

5 A. Callaway, James Callaway.

6 Q. Okay. And Mr. Callaway, at least
7 temporarily, has taken over for -- from Ms. Watson;
8 is that right?

9 A. Correct.

10 Q. Did she do some of the work before she
11 left, do you know?

12 A. I don't think so. I -- this letter from
13 Mr. Rossi came well after her exit.

14 Q. Okay. When did she -- when did she leave,
15 do you know, just roughly?

16 A. No, I really don't. I think it was
17 sometime in fall or early fall.

18 Q. And this -- the -- Mr. Rossi's report, I
19 don't want to generalize too much, but it indicates
20 some of the same problems that we have noted in
21 DeKalb, correct, inconsistencies between the hard
22 copy of the tally sheet and what it was --

23 A. And Fulton County, yes.

24 Q. Right. Okay. Has this -- has the
25 Secretary, or to your knowledge the State Election

1 Board, investigated the findings of Mr. Rossi and
2 reported back to anyone?

3 A. Not yet. I believe that there is a
4 planned report out from the investigations team to
5 the State Election Board at the upcoming March 16th
6 meeting. I believe that's the plan right now.

7 Q. Now, the Governor says on Page 2, it's the
8 fourth paragraph down:

9 "The data that exists in public
10 view on the Secretary of State's Web
11 site of the R.L.A. report does not
12 inspire confidence."

13 Do you see that?

14 A. Yes.

15 Q. And he goes on to say:

16 "It is sloppy, inconsistent and
17 presents questions about what
18 processes were used by Fulton County
19 to arrive at the result."

20 Do you see that?

21 A. Yes.

22 Q. Sort of picking on Fulton County there
23 when it appears to be, at least in DeKalb County,
24 probably other counties, there were the same
25 troubles; right?

1 A. Similar.

2 Q. Let me back -- change gears on you. You
3 said something that was interesting in the first
4 part of your deposition, and I thought about it in
5 response to -- in your answer a couple of questions
6 ago.

7 You said something to this effect, is that
8 you identified problems in the system and working
9 to make it better with respect to the ballot
10 manifest, making sure the counties know how to do
11 it, do it correctly, and that whatever the
12 difficulties might have been with the 2020
13 election, you've got to do it better next time,
14 something to that effect; correct?

15 A. I think you can always improve after every
16 election. You always learn.

17 Q. Why is it, then, when you're confronted
18 with an expert report by Professor Halderman do you
19 trash it as being a load of crap?

20 Why don't you take that just as seriously
21 as something like this and think, you know what, we
22 can make it better, we can make this more secure,
23 we want to look at it, we want to honor it, credit
24 it, have our own people look at it, rather than
25 just saying it's some hack, it's a load of crap?

1 Why don't -- why isn't your attitude about
2 cybersecurity the same as you express it to be with
3 respect to this?

4 A. Because it is -- I'm sorry.

5 MR. RUSSO: Bruce, you've been
6 testifying most of the time, and now
7 you're arguing and being argumentative and
8 testifying.

9 MR. BROWN: I'll take that as a
10 compliment.

11 BY MR. BROWN:

12 Q. Can you answer the question?

13 MR. RUSSO: So yeah, there are
14 certain topics here for the 30(b)(6) which
15 Mr. Sterling is here for. This topic is
16 not. But we would like to be able to move
17 forward and, if possible --

18 MR. BROWN: I'll --

19 MR. RUSSO: -- can we get it --

20 MR. BROWN: Okay.

21 BY MR. BROWN:

22 Q. Just answer the question. You -- I'm not
23 going to pick on you, Mr. Sterling. You did say
24 quite fairly that your description of
25 Dr. Halderman's report, which you still haven't

1 read, was "a load of crap" was a punchy line and it
2 was motivated by an understandable frustration with
3 criticism of a system because it's not absolutely
4 secure; correct?

5 A. No. I think it's because people are
6 trying to undermine everybody's -- you want to know
7 my underlying emotional thought on this, Mr. Brown?
8 Is that for several years now in this state many
9 people have made claims that I don't believe are
10 justifiably accurate.

11 And that started in 2018, started in 2017,
12 even 2016, when you had people claiming that people
13 were -- Russians were hacking machines and flipping
14 votes to Hillary Clinton.

15 I had a democrat state representative who
16 has been combative with me in the past ask a
17 question about the report in a way that was
18 intended to be political as a gotcha question. So
19 you're right, my initial reaction was a punchy go
20 back right back at him because you can't take the
21 politics out of politics.

22 And this report was not presented in such
23 a way as to be, hey, here's a helpful situation.
24 It is underlying trying to undermine Georgians' and
25 Americans' faith in the overall system. So yes, I

1 take everything with a grain of salt coming out
2 from that path.

3 But we do take cybersecurity and all
4 security seriously. It's at the forefront of our
5 discussions every day when we talk about how we're
6 implementing the system and what we can do to make
7 it better.

8 And like I said, I now am aware, too, that
9 Dominion has this, and engineers are looking at it
10 and seeing if there are -- as with every
11 computerized system in the world with elections,
12 there's going to be some vulnerabilities. You have
13 to do your best to mitigate them and get ahead of
14 them.

15 So if there is anything that comes out of
16 that, I know that Dominion will be happy to do
17 that. And it's their responsibility to bring those
18 to the Secretary of State's office. And if we
19 discover something independent of them, it's our
20 responsibility to take it to them.

21 And Debra, I apologize, and I realize I'm
22 talking really fast right now. So.

23 So to that point, the "load of crap" thing
24 was an emotional quick punch, because every kind of
25 criticism like that I've seen is based on there are

1 bad actors. If there's bad actors, nothing is
2 secure. No system is secure.

3 And that's the -- and that's the
4 underlying issue when I say that that was what I
5 was -- my intention at the time. If I learn more
6 after reading it or seeing it and people who are
7 frankly going to be smarter than me who understand
8 the specifics of it and might find a way to
9 mitigate these things or make them better, yes,
10 obviously Dominion will bring those to us and we
11 would work with them to see what we could make
12 happen.

13 Q. The -- let me follow up. There's a lot of
14 common ground here, believe it or not,
15 Mr. Sterling. I think that we can agree that it's
16 important that a voting system actually has
17 integrity and security and that it's perceived by
18 voters to have integrity; correct?

19 A. Yes.

20 Q. Therefore, it is damaging and bad for
21 irresponsible and false claims of insecurity to be
22 advanced; correct?

23 A. Or claims made with no evidence, yes.
24 Both of those things would be things that I think
25 would be damaging and unnecessary.

1 Q. But it's also crucial to investigate fully
2 potentially meritorious claims about system
3 security and to mitigate any vulnerabilities found
4 if possible; right?

5 A. State your question because I -- there's a
6 statement in there, but I don't think I disagree
7 with it. But what are you trying to ask
8 specifically?

9 Q. Well, it's crucial to election security to
10 take -- to take things like Dr. Halderman's report
11 seriously and to mitigate whatever vulnerabilities
12 are found if mitigation is possible; correct?

13 A. I would lean on our contractors to look at
14 it and see if there is vulnerabilities there to
15 tell me whether or not something would be taken
16 seriously or not.

17 Q. And what --

18 A. I would take anything, anything that's --
19 has a found -- a substantive foundation that was
20 outside of the already existing grounds of
21 mitigation to see if any other mitigation might be
22 necessary or proper as long as it doesn't interfere
23 with the process of the elections themselves or the
24 ability of our county workers to run the election
25 or voters to vote in the election.

1 Q. There might be some vulnerabilities just
2 in the abstract that would convince even you that
3 you can't use the system; correct?

4 A. Not given the current situation, I
5 seriously doubt that.

6 Q. So --

7 A. Knowing the complexities of our system and
8 everything, I mean, I would be -- I would be -- it
9 would take a lot.

10 I'm sure that there is some level out
11 there in some world where, yes, this is so insecure
12 you can't use it. I do not believe that to be this
13 system. And if it was the case for this system, it
14 would be the case with any system using a computer.

15 Q. Well, don't get me going there. But we're
16 talking about this system, I would --
17 theoretically, I think there's a lot of people who
18 would agree with the latter statement that you
19 made, that anything that uses a computer will
20 remain vulnerable. But we're talking about the
21 Dominion B.M.D. system.

22 And what evidence would it take for you to
23 decide, okay, I didn't know that, now I know that
24 and we can't use the system anymore? Just give me
25 a --

1 A. I don't want to engage in a hypothetical
2 with you, Mr. Brown, on that. I'm just -- it's not
3 going to happen.

4 Q. I mean, because we heard earlier in the
5 deposition that, yeah, a bad actor if they have
6 enough time can hack the system. And now there's a
7 lot of evidence that there are people out there who
8 have plenty of time.

9 And that's not enough for you to worry
10 about the security of the system; right?

11 A. Mr. Brown, I'm going to agree with your
12 statement there's a lot of evidence that people
13 have that. There isn't such evidence. There's
14 claims. There is no evidence to that effect.

15 Secondarily, in order to go and hack
16 thirty some odd thousand B.M.D.s would require
17 getting through multiple layers of physical
18 security, getting past risk-limiting -- I mean,
19 sorry, logic and accuracy testing.

20 I mean, I just -- in the real world, it is
21 very difficult to do that. If you're going to do
22 that, you would -- I think it would be easier to
23 target the scanners. Or the tabulation machines
24 would be the easier thing to do than anything else
25 than trying to get to a B.M.D.

1 Q. Well --

2 A. And those would affect whether you did a
3 hand-marked ballot or not or B.M.D. ballots.

4 Q. And part of that's based upon your
5 understanding that B.M.D.s can't talk to one
6 another; right?

7 A. Well, they can't talk to one another, so
8 yes.

9 Q. And that an infected B.M.D. is just an
10 isolated infected computer; correct?

11 A. I've seen the claims by some that there
12 could be a self-propagating thing that can go from
13 B.M.D. to B.M.D. with nobody noticing it, nobody
14 picking up a hash change, nobody noticing ballots
15 changing, nobody -- it requires literally thousands
16 of people to ignore what they're looking at for the
17 claim that I'm understanding is being made about
18 some of the systems around the B.M.D.s.

19 And I simply have not seen evidence of
20 that. And I think even by your own estimation
21 there have been no claims that that has happened,
22 but there may be vulnerabilities that could allow
23 for things like that to happen.

24 But I've not heard of anybody saying that
25 there is a virus, a malware that can jump from

1 operating system to operating system and
2 self-propagate to achieve these goals, not knowing
3 what ballots are going to look like, not knowing
4 what the ballot formats are out of 18,000 in our
5 state.

6 The complexities alone make it highly
7 suspect that anything like that could actually
8 happen in the real world.

9 Q. But if it could happen, even you would say
10 this system is too vulnerable to allow Georgians to
11 vote on it; correct?

12 A. Mr. Brown, I've literally just said I
13 don't see a way it could happen. Maybe there is
14 some fantastical world in which that could occur,
15 but I'm not going to speculate with you on the fact
16 that it could.

17 With that, it's 4:07, and I really have to
18 pee. So if we could take a break for a moment.

19 Q. Of course. Thank you for your --

20 A. Thank you.

21 THE VIDEOGRAPHER: Okay. Going off
22 the record at 4:07.

23 (Whereupon, a discussion ensued
24 off the record.)

25 (Whereupon, there was a brief

1 recess.)

2 THE VIDEOGRAPHER: Back on the record
3 at 4:16.

4 BY MR. BROWN:

5 Q. I wanted to go back to a statement that
6 you'd make about Dr. Halderman's report. And I
7 believe you said something to the effect that his
8 report was not presented in a way to be helpful to
9 the situation, it was trying to undermine Georgia's
10 faith in the election system.

11 Did you mean that?

12 MR. RUSSO: I'm -- do you know where
13 he said that? Are you talking about
14 today?

15 BY MR. BROWN:

16 Q. Did you say that? Do you recall saying
17 that?

18 A. Did I say that about five minutes ago,
19 something along those lines?

20 Q. Yeah.

21 A. Yeah, I remember saying something along
22 those lines. And I meant we're in an adversarial
23 issue right now. And I don't know, and this is why
24 I think I don't know, I don't know if it was
25 submitted to C.I.S.A. in the way you can do -- I

1 don't -- there's a name for it where you basically
2 say I'm giving you a vulnerability and I want to be
3 reported for it, here you go, that's more I'm
4 saying it here's the problem.

5 I did mean that in the context of which
6 we're discussing it right now, yes.

7 Q. So you think that Dr. Halderman, the
8 purpose of him doing that was to undermine faith in
9 Georgia's election system, seriously?

10 A. I think the purpose of this lawsuit is to
11 do things like that, yes, to force us to do a
12 change.

13 Q. Okay. That's different than undermine --
14 than the purpose being to undermine the people's
15 confidence in the system.

16 A. I think it's the same.

17 Q. Okay. Let me take you back a couple of
18 years. When we sued to have the D.R.E.s
19 disallowed, your people said the same thing. And
20 that --

21 MR. RUSSO: Objection to form.

22 BY MR. BROWN:

23 Q. That is that our suits are lousy and all
24 we're trying to do is destroy the faith in the --
25 Georgia's election system. That is what we heard

1 last time.

2 A. Okay.

3 Q. Aren't you fortunate that we won and you
4 didn't have to deal with the D.R.E.s that had no
5 paper record in this last 2020 election; right?

6 MR. RUSSO: Objection to form again.

7 THE WITNESS: To be fair, I do not
8 believe you did, because we were already
9 starting the process. The Secretary was
10 already running on changing to B.M.D.s.

11 The first hearings were in the House
12 in 2016 to say change the election system.
13 And the law was passed in '19. And I'm
14 not -- I believe there was an order saying
15 we couldn't use D.R.E.s until well after
16 that.

17 Our intention was to do that all the
18 way along. So no, I do not view that as
19 having been applicable to that case.

20 BY MR. BROWN:

21 Q. Yet the Secretary said he did it because a
22 federal judge, an activist federal judge made him.
23 Do you recall that?

24 A. No.

25 Q. Okay.

1 A. Because you've got to remember, he ran on
2 moving to B.M.D.s, and that started in 2017.

3 Q. And do you recall that Dr. Halderman
4 hacked the D.R.E.s in the courtroom? Were you
5 there?

6 A. No.

7 Q. Okay. Before your time?

8 A. I would assume so. I'm not aware of it.

9 Q. Okay. And that when he did that, what the
10 state defendants argued in response was that all
11 the plaintiffs were trying to do is exactly the way
12 you described his testimony today, is to undermine
13 Georgians' faith in the election system.

14 Okay?

15 MR. RUSSO: I'm going to object to
16 the form.

17 THE WITNESS: Is there a question in
18 there, Mr. Brown?

19 BY MR. BROWN:

20 Q. We have heard this before about our
21 evidence and about our motives. And so it's
22 nothing new. But in truth, if there is something
23 in Dr. Halderman's report, whatever its motivation,
24 that shows a vulnerability that needs to be
25 mitigated, you would mitigate it, wouldn't you, or

1 see that Dominion --

2 A. If the -- I'm sorry. Do you have another
3 question, or do you want me to answer the first
4 question you just asked?

5 Q. The one you -- the one I just asked.

6 A. Okay. Let's do a series of suppositions
7 here. If there is an actual vulnerability pointed
8 out in this, we would work with Dominion to try to
9 mitigate it if it was something that could be
10 mitigated.

11 Q. And if it --

12 A. Or if it was --

13 Q. If it wasn't, what would you do?

14 A. If it wasn't something that -- well, it
15 depends. You said it wasn't -- could be mitigated
16 or if there was a cost to it. I'm not going to
17 speculate on something I haven't read. But if
18 there was something there, yes, we would work to
19 mitigate it.

20 My point is, bringing it up in this highly
21 adversarial situation that's been now going on
22 since 2017, as I understand it, and yes, this case
23 has un -- has helped to undermine people's faith in
24 the elections.

25 This case was cited by President Trump and

1 Sidney Powell and Lin Wood. So yes, all those
2 things are true. It may not have been your intent.
3 And I'm not going to go to the intent. I'm saying
4 about the -- I'm talking about some of the outcomes
5 here.

6 Q. But you would agree that you're not trying
7 to promote a false sense of security in your system
8 by just completely rejecting any criticism of it;
9 right? You're looking at those criticisms
10 seriously; right?

11 A. It -- well, I will be honest. It depends
12 on who -- from whom they are coming and their basis
13 of fact and where they are positioned in relation
14 to our office oftentimes, I mean.

15 But yes, just because somebody is your,
16 quote, unquote, opponent doesn't mean they could --
17 they're 100 percent wrong every time.

18 Q. Particularly when your own --

19 A. Do I take it with more of a grain of salt?
20 Yes.

21 Q. But particularly when your own expert,
22 your own expert agrees with his findings; right?

23 A. Again, I'm not privy other than you saying
24 that. And again, it's in Dominion's hands right
25 now. These things have to be vetted out and looked

1 at and then can things be done either through
2 programming or physical mitigations. I don't know.

3 But yes, if something was real, my
4 assumption is we would do things to mitigate it to
5 assure the continued security of our system, which
6 I think has been proved through this election so
7 far and every election we've run them in, starting
8 with the pilots in 2019, the presidential
9 preference primary, the joint primary in June, the
10 general election in November, the elections in
11 January and the municipals in 2021.

12 Q. But the basis for your statement that he
13 prepared the report for the purpose of undermining
14 voter confidence is simply because he was engaged
15 as the plaintiffs' expert, is that it? Or do you
16 have some other basis for such a serious charge to
17 make?

18 A. Mr. Brown, we are in an adversarial
19 situation here. He is an expert from the, quote,
20 unquote, the other side. So yeah, that is the
21 outcome, the literal outcome of this.

22 And especially with the way it was
23 discussed in the press before -- when it was still
24 lawyers' eyes only was from my point of view, my
25 personal opinion, intended to undermine people's

1 faith in the elections in this state.

2 Q. Did you know that the Secretary of State
3 objected to Mr. Hal -- Dr. Halderman submitting his
4 report to C.I.S.A.?

5 A. I don't remember. I remember at the time
6 something like that happened, but I can't remember
7 what the rationale was at -- was for it.

8 Q. Are you aware of reports of the Dominion
9 software being copied out of Michigan and out of
10 Colorado?

11 A. I'm aware that there was a claim of that
12 in Michigan. I never saw evidence of that. I
13 believe the claim in Colorado was more -- had more
14 substantive -- but I'm not sure which Democracy
15 Suite version it was. I don't know if it was our
16 version or some other version.

17 Q. And what difference does it -- and what
18 difference does -- might it make?

19 A. If it's a different version, it could have
20 very different items to it and how it's supposed --
21 the work flows and things internal to the systems.
22 That would make a pretty sizable difference if
23 you're trying to, quote, unquote, hack a system.

24 Q. And you don't know which is which, whether
25 either of those systems is the system that Georgia

1 was using -- is using?

2 A. I think Colorado is close to ours, but I
3 think they're on a different version. I could be
4 wrong on that.

5 Q. Okay. Has the -- has the Secretary
6 investigated the significance from a security
7 standpoint of that software being released to the
8 public, either from --

9 A. Is it --

10 Q. -- Michigan or Colorado?

11 A. Not specifically, no.

12 Q. Generally?

13 A. Not that I'm aware of.

14 Q. Generally?

15 A. Gen -- no. Not that I'm aware of.

16 Q. I mean, sitting here today shouldn't he do
17 so?

18 A. I'm not going to speculate on that,
19 Mr. Brown, because you're giving me stuff that I
20 don't necessarily know to be true. Like I said, in
21 Michigan I'm not sure it was actually copied.

22 In Colorado there was a claim of that, but
23 I'm not sure if it was actually, it mirrored and
24 sent to somebody else. I have no specific
25 knowledge to that front. You may have more

1 information than me on the front.

2 Q. Well, who in your office is looking at
3 that, if anybody?

4 A. Well, I and Ryan Germany talked to
5 Dominion about some of these items. And I'm not
6 aware of anything right now where a major concern
7 has been raised because of that.

8 Q. Okay. Your big defense to the relevancy
9 of Dr. Halderman's report is that he had all the
10 time in the world to hack it, so what. And yet now
11 we know that potentially a lot of people could have
12 at least very similar software, and you and the
13 lawyer, Ryan Germany, are just sort of talking
14 about it at the water cooler and not doing anything
15 about it?

16 MR. RUSSO: Objection. Bruce, I
17 mean, stop arguing with the witness and
18 ask your questions.

19 MR. BROWN: I did.

20 MR. RUSSO: No, you didn't.

21 THE WITNESS: Mr. Brown, can you
22 ask -- can you state your question?

23 BY MR. BROWN:

24 Q. Is that -- so you're really not doing a --
25 I mean, I'm sort of aghast.

1 A. No, what you're claim -- what you're
2 sitting here claiming is that there's an imaged --
3 potential image which we don't even know exists is
4 out there, according to you. And my point was,
5 having a physical piece of hardware is different
6 than just having the software on some of those
7 things.

8 And again, I will go back, and my big
9 defense isn't because he had all the time in the
10 world, he was able to do physical -- have physical
11 access to a -- one piece of equipment, and we're
12 talking about 30 -- over 30,000 pieces of equipment
13 when you're just talking about the B.M.D.s
14 themselves.

15 Secondarily to that, the complexity of the
16 ballot builds in our state are so broad as to make
17 it next to impossible if you do one that you
18 suddenly have the ability to do all of them. We
19 have mitigation around passwords for both
20 technicians and county workers.

21 I mean, you're basically ignoring the fact
22 that there's over 18,000 different ballot styles,
23 and if you're trying to do something to switch
24 votes, you have to know what is the exact
25 coordinate for the exact name for this ballot style

1 on this B.M.D. in this polling location.

2 I mean, it's ignoring the complexity of
3 the system overall thinking that, if one thing can
4 happen, then it can just cascade everywhere. And
5 there's been no evidence, no one has shown evidence
6 of that being a possibility that I'm aware of.
7 There's been speculation, but speculation is not
8 something that you can mitigate against.

9 Q. I understand. But you would think that
10 the Secretary of State -- well, does any state
11 have -- use Dominion more than Georgia or more --

12 A. Different --

13 Q. -- more people voting on it?

14 A. In Pennsylvania about 53 percent of the
15 counties have it but not the large ones. I mean,
16 Louisiana they're 100 percent Dominion. Colorado I
17 believe is 80 percent Dominion. I know they're in
18 California. I'm not sure the extent of it. New
19 York state is very Dominion.

20 And it depends on, you said, talking about
21 the number of people voting on it, it depends on
22 how many elections you have, too. We have lots of
23 elections in this state. Other people have lots of
24 elections, too.

25 So we are the largest single deployment of

1 the election equipment in the country for a single
2 state. But Michigan had has a high percentage of
3 it. Like I said, Pennsylvania does. New York
4 does. Colorado does. Louisiana, like I said, is
5 100 percent.

6 But again, you know, we are the -- we are
7 the tenth largest state in the country, and we are
8 a unified system, so you -- that statement is
9 probably correct.

10 Q. Okay. So given that fact, I take it the
11 Secretary of State office itself has taken no
12 actions to investigate the significance, if any, of
13 the potential release of the software in Michigan
14 or Colorado; correct --

15 MR. RUSSO: Objection to form.

16 BY MR. BROWN:

17 Q. -- if any, if it happened?

18 A. I know that at some level we've had
19 conversations with -- I know Ryan Germany and Mike
20 Frontier (Phonetically) have had conversations. I
21 don't know specifically to that, but it's around
22 security and what we're doing in those situations.

23 I, again, I have no evidence to show that
24 that's happened, so I don't usually chase things I
25 don't have evidence for of actually occurring. And

1 the problem is we exist in a situation right now
2 where there are lots and lots of claims, and it's
3 impossible to investigate every single claim unless
4 we have -- find specific evidence.

5 I'll give an example. Signature matching
6 not happening in Fulton, lots of claims about that,
7 no evidence of it. We had a specific claim from an
8 inside worker in Cobb County, so we did an
9 investigation there.

10 Because a claim is made doesn't mean it's
11 a real thing. And you can't expend your resources
12 on things that may not be real. So we rely on our
13 partner, Dominion, to keep up with the security of
14 the system and then our own internal training.

15 And like I said, the complexity of our
16 systems alone make it difficult to do the kind of
17 things that are being alleged as far as those
18 vulnerabilities go, as I understand it.

19 Q. What are the -- I'll change gears a little
20 bit. What are the protocols for access to servers
21 in the counties, B.M.D.s -- into E.M.S. servers in
22 the counties, like, what --

23 A. It depends on what you -- it depends on
24 what you're being asked to do. Obviously, the
25 election administrator for that county has

1 administrative access.

2 For all human beings in every county, if
3 you're given any level of access, you have to go
4 through some cybersecurity training at the front
5 end. You then have to be assigned an
6 individualized password -- sign-in and
7 individualized password. You have to go through a
8 multi-factor identification. And then you're given
9 permissions depending on what you're doing at the
10 administrative level.

11 Like I said, the elections directors are
12 given administrative level, so they can do
13 basically everything within their county. Then
14 you'd have, like, essentially, for lack of a better
15 word, a managerial level which would have access to
16 more functions but maybe specifically in the arenas
17 in which they are in charge.

18 And then the largest single group of
19 people who are given access who have to go through
20 the cyber -- through all the same stuff everybody
21 else does is the around 2,500 or so county either
22 temporaries or employees who are doing check-ins on
23 early voting. That's the single largest group of
24 people who would ever have access to the E.M.S.

25 And their functions are literally they can

1 give credit for voting, and I believe that's about
2 it. They can check them in, give credit for
3 voting, look at their ballot style, and then they
4 even encode the cards separately on those -- on
5 those sides.

6 The second largest group would be people
7 who are processing absentee ballots and doing --
8 and doing that kind of processing and giving credit
9 for voting and showing when it was mailed.

10 Q. Does anybody have, in a county have
11 administrative access other than the election
12 director?

13 A. Not generally speaking. But there may be
14 some deputies who have that kind of access, but I
15 don't know off the top of my head.

16 Q. What about if Dominion technicians were
17 on-site, would they be given administrative access?

18 A. There's two different kinds of
19 technicians. There's the field technicians, which
20 we had deployed on election days throughout, and
21 they were really just there for the equipment.

22 Then you had technicians who were deployed
23 into the counties to help them learn about this.
24 They may have in some cases had that. I honestly
25 don't know off the top of my head right now. I'd

1 have to go back and check. Because they would have
2 to be able to show, yes, county administrator, this
3 is how you do this.

4 But I'm not -- I don't believe that that
5 was a generalized kind of thing. There were some
6 cases where small counties or smallish counties
7 didn't have staff, and they -- and Dominion might
8 have supplemented some of those roles.

9 Q. I may have misspoke on a question. I want
10 to make sure your answer was clear, or that I
11 understand your answer.

12 In terms of the administrative access, I
13 was asking about the E.M.S. servers, not the voter
14 registration.

15 A. Oh. Then I was totally misunderstanding
16 your question.

17 Q. Okay. So who -- thank you. And I'm sure
18 I misspoke.

19 A. The E.M.S., the administrative side for
20 that is really only going to be the elections
21 director and maybe one of or two of their designees
22 to be signed in to go into the E.M.S. itself.

23 Q. Okay. And then -- and they would have
24 administrative access to that, but no one else
25 would be able to get into it at all; is that right?

1 A. Inside their county, yes.

2 Q. Okay.

3 A. Now, it doesn't go from county to county,
4 because the E.M.S. is obviously subject to that
5 county. The ballot builds are done for that. They
6 don't have access to other counties and stuff.
7 Because they're not talking to each other. They're
8 air-gapped.

9 Q. So in terms of, like, doing things like
10 deleting activity logs or permanent deletion of
11 records, it would only be someone with
12 administrative access to the E.M.S. that would be
13 able to do that; right?

14 A. If I understand your question correctly,
15 yeah. You can't just randomly go do that. And
16 even then there would be a log of what happened and
17 who did it with sign-ins.

18 Q. Does -- are there written protocols for
19 this, of what we've just been talking about, in
20 terms of within a county who was supposed to have
21 access like that?

22 A. I think there are. And Michael Barnes
23 leads the training on that. And we have training
24 manuals around that. So I believe there are.
25 Basically, you want to limit it.

1 And like I said, in most counties their --
2 the E.M.S. is lock -- is oftentimes locked away.
3 You have to sign in. Some counties are smaller and
4 they're not going to be in that same way, but you
5 still have to have access and codes to get into it.

6 (Whereupon, Plaintiff's
7 Exhibit 32 was marked for
8 identification.)

9 BY MR. BROWN:

10 Q. Let me direct your attention to exhibit --
11 I'm going to skip up a little bit -- Exhibit 21
12 [sic].

13 A. The Exhibit 21 is the Arlo ballot
14 manifest. Is that what you meant to talk about?

15 Q. It is not.

16 A. Or is it Exhibit 32, which is CGG 21?

17 Q. Exhibit 32 is the correct number. Thank
18 you very much.

19 A. Okay.

20 Q. Sorry. I had a wrong -- I had an old
21 screen up. And can you -- do you see, it should be
22 an article about a software glitch?

23 A. Yes.

24 Q. Do you recall a software glitch causing
25 delay in thousands of votes in Gwinnett County?

1 A. I remember it being called a software
2 glitch, which again is just a colloquial term about
3 these kind of things. If I remember correctly,
4 this had to do with running multiple adjudication
5 modules at the same time, if this is what -- this
6 is what I'm thinking about, but I can't remember
7 exact -- the exact technical rationale. But it had
8 to do with running multiple adjudication modules at
9 the same time, if memory serves.

10 Q. What does that mean?

11 A. They had two different adjudication
12 servers. And for some reason, for lack of a better
13 word, it's kind of like if you turn something off
14 and on too quickly, it opens back up and it doesn't
15 recognize part of what happened previously.

16 And they had to go back and re-scan a lot
17 of these things because they weren't communicating
18 properly. You're supposed to be able to run
19 multiple teams at one time.

20 And they didn't close one of them
21 properly, if memory serves. And they reopened it,
22 and then they were kind of off on where they should
23 have been so that they wouldn't -- they could be
24 going through and doing it at the same time,
25 because they were running through the E.M.S.

1 together.

2 And that was the issue that came up from
3 that. Again, I'm not a technical person. That's
4 the way it was sort of explained to me.

5 Q. And has that issue been addressed so that
6 it won't happen again?

7 A. Well, again, it's addressed because
8 somebody closed down one of the other adjudication
9 modules incorrectly the day previously.

10 So they did something they weren't
11 supposed to do. It's kind of like when you turn
12 off your machine and you remove media and it says
13 you did that wrong, that kind of thing. So it's
14 not something you can really -- if somebody does it
15 wrong, they do it wrong. I don't know if there's a
16 way to software fix that or not.

17 But again, this was the first time many of
18 these people were using this software, so you're
19 going to expect some of those kind of things in the
20 initial implementation.

21 Q. You mentioned in your testimony, and we
22 have examples of it here, although it's harder to
23 tell with the exhibits, but of the same ballot
24 being counted more than once.

25 A. Yes.

1 Q. And that happened, I'm not going to get
2 into quantifying that, but it happened more than
3 once, certainly; right?

4 A. Yes. Yes.

5 Q. And tell me about what you found and what,
6 if anything, can be done about it, or could be done
7 about it?

8 A. Well, there are two different things
9 happening on those fronts. In the initial November
10 election, 100 percent of those that were double
11 counted were the hand-marked paper ballots with
12 some mismanagement on the scanning of them.

13 You can -- you can recognize it pretty
14 easily because, essentially, you would see the
15 results -- you could see the scanned ballots and it
16 was, like, a hundred this way and then it was back
17 a hundred -- it goes from one to a hundred, then
18 back from a hundred to one where they basically
19 picked up a batch and put it back through again.

20 And there's two ways that could have
21 happened. They didn't properly clear a bad batch.
22 Because the normal process you do when you're doing
23 that is, if you're going through and there's a
24 problem scanning one of the ballots, because it's
25 going so fast two or three or four will get

1 through. You grab that full batch.

2 You're supposed to delete the batch and
3 then run the batch again. They may not have done
4 that properly. That's one thing that could happen.
5 Or they just stacked them incorrectly and then ran
6 them again.

7 But again, those are on absentee
8 hand-marked ballots. You really didn't see that in
9 the B.M.D. ballots either in the advanced or the
10 in-person voting on Election Day.

11 The second one we saw was in the recount
12 where B.M.D. ballots and absentee ballots were all
13 run through central scanners. Again, it's a ballot
14 handling situation where people double scanned
15 things, thought they'd already -- they had --
16 didn't realize -- they either thought they hadn't
17 scanned it --

18 Q. You're talking about --

19 A. -- they got the wrong stack and --

20 Q. You're talking about the machine recount?

21 A. Yes. This is the machine recount.

22 Q. Keep going.

23 A. Because we were -- they were 100 percent
24 done on the central scanners. So again, there was
25 a mishandling of things. I think there was one, if

1 memory serves, there was one batch that was counted
2 three times.

3 And again, from everything we've seen from
4 our own investigations, it appears it was just
5 ballot mishandling done on a recount, which then
6 becomes the certified final results.

7 But the -- but in the -- in the real world
8 where most things of these happened, it's on the
9 hand-marked paper ballots that are mailed in,
10 because they're done in large stacks at a time.

11 Q. If on the recount there was the problem
12 with the same ballot being scanned twice, how did
13 the recount come -- all total up come out to match
14 so closely the original count?

15 A. Because there were, if you remember
16 correctly, there were counts that were not in the
17 original certified things by a few thousand.
18 Fayette, I think it was Fayette. Floyd had the
19 2,600 ballots that they had forgot to count. It
20 looks like Fulton double counts in the first round
21 about 900 votes they didn't count the second round.

22 Again, the law of large numbers, the
23 mistakes happened on both sides and were basically
24 kind of a wash on that front. But it was down
25 between -- a memory card was found in Walton.

1 Fayette had a small amount of ballots that hadn't
2 been counted. And then Floyd had their 2,600
3 ballots.

4 So again, the final outcome wasn't moved.
5 Because you remember, the original ballot
6 difference was around 14,000, and the final was
7 11 -- rather famously now, 11,779.

8 Q. You mentioned two causes of double and
9 triple counting. And I got that. Were there any
10 other causes that you detected of double and triple
11 counting of the ballot?

12 A. It looks like it was 100 percent human
13 error and mishandling of ballots.

14 Q. Is there any -- are you aware of any
15 software or operational change that could be made
16 that would reduce the likelihood of the first human
17 error, and that is, where they didn't clear the bad
18 patch and they did it again, or it was counted
19 twice?

20 A. I would say that's a possibility. We
21 don't know for sure that's what happened. It's a
22 possibility of what happened.

23 Essentially, the human being has to do
24 things the way they've been trained to do them.
25 But when you have thousands of individuals doing

1 stuff, invariably a couple are going to make
2 mistakes, and this is one of those kind of things.

3 And I don't know -- you can't -- I'm not
4 aware of any software mitigation that could avoid
5 that, because we're -- because what you don't want
6 to do is have software making decisions that ought
7 to be made by human beings.

8 Software, you don't want them deleting a
9 batch on its own and then sending it back through.
10 You want that to be left to the human being to make
11 that decision.

12 Q. You -- in response to my question, it was
13 clear that you've looked at it and you had
14 evaluated potential causes.

15 A. Yes.

16 Q. Tell me how you went about that
17 investigation or people under your -- under your
18 direction went about that.

19 A. I can't speak to the investigative
20 procedures of our investigators. But between
21 talking to the investigators, talking to our
22 elections director, talking to their elections
23 directors and then talking to Dominion, yeah, the
24 question was, how does this kind of thing happen?

25 They said, well, this will happen if these

1 happen. And they said, this happened? They're
2 like, well, we didn't mean for it to, but there's a
3 possibility that happened, yes.

4 That's kind of the process by which you do
5 that. You're having discussions and then trying to
6 highlight where this could have occurred.

7 Q. Did that result in any meeting or
8 write-up, E-mails or memo or anything?

9 A. We had discussions. I would -- like, a
10 specific meeting about the double counting or
11 something like that, I mean, because it was a --
12 anytime you have double voting, it undermines -- it
13 dilutes everybody else's votes.

14 We understand that. That's why it's
15 important you avoid those things, which is why we
16 really try to focus on be careful when you're
17 handling ballots.

18 And again, for the first time in 20 years,
19 we had ballots, whether they were hand-marked paper
20 ballots of the absentees, they were -- you know,
21 they had a record level of 1.25 million, or the
22 3.75 million B.M.D. ballots.

23 Like I said, the majority of human errors
24 come out of handling large batches of hand-marked
25 absentee ballots. And you've just got to work on

1 your training and work on your people to make sure
2 they don't make those kind of errors.

3 Q. Let me get back. If I wanted to find out
4 more about the investigation and the possible
5 causes, is there -- are there any documents that
6 would sort of help?

7 Like, you said that, you know, there were
8 how -- you know, in terms of how many ballots were
9 duplicated or what counties or what types of
10 ballots --

11 A. Not really. That's --

12 Q. (Inaudible due to cross-talk).

13 A. Again, not what we've seen. I mean, I
14 don't have, like, a written report on this is how
15 this all happened from anybody.

16 Again, you're trying to operate and learn
17 from those things and go forward and talk to
18 Dominion about -- because they know the software
19 and these systems better than we do, because
20 they've been do -- they've had them for years now,
21 and they were Sequoia before that, on many of these
22 things. So we lean on them and we lean on the
23 elections directors, and oftentimes they know where
24 the issues come up.

25 And like I said, the reality is this

1 happens mainly in the large counties with not the
2 strongest management in the world, which is why in
3 SB 202, it didn't go the way I would have written
4 it, but there's an accountability measure for
5 counties that consistently seem to have errors like
6 this and screw up and mistreat voters either
7 because of mismanagement or poor planning or poor
8 execution.

9 Q. Who was involved in looking at and
10 discussing and investigating the double counting
11 that you're aware of?

12 A. I'm sure some of our investigators, but
13 Blake Evans, at the time Chris Harvey when he was
14 there, Ryan Germany, those kind of people. And
15 then we had discussions with Dominion, obviously.

16 And myself, I even -- I remember I -- you
17 know, the leading way to get an investigations was
18 somebody posted some potential double counting on
19 Twitter, and I sent it to Dominion, the project
20 manager over there, Nicole Nollette, and said
21 what -- is this double counting from your
22 perspective? And their engineer looks and says,
23 this looks like this was likely double counting.

24 So we get information and we pass it off
25 to investigators and people who understand these

1 internal systems and what to look for on those
2 fronts. But yes, that's -- there's not, like, a
3 giant single report that has everything boiled down
4 to it --

5 Q. Okay.

6 A. -- if that's what you're asking about,
7 Mr. Brown.

8 Q. And who was it at Dominion again, could
9 you just repeat the name, Nicole?

10 A. Nollette. She is the project manager on
11 the Dominion side.

12 Q. And so Dominion did some investigation
13 also about possible causes and then sort of
14 evaluating what it looked like happened?

15 A. Yes. And again, I think some log files
16 were pulled along the way. I just, I can't recall,
17 because there's been so many of these things over
18 the last two years.

19 Q. The way you described the potential causes
20 to me just from a layperson's standpoint did
21 describe a double counting. What about the triple
22 counting, did that --

23 A. It would be the same thing. They put the
24 same batch back, like, they stacked it there and
25 they thought, is this the "to scan" file -- "to be

1 scanned" file or the "scanned" pile. I mean,
2 that's kind of where we saw that happen.

3 MR. BROWN: Okay. I'm going to take
4 about a five-minute break, which actually
5 will speed things up, get me organized to
6 finish up. So we'll be back in five
7 minutes.

8 THE WITNESS: All right. Thank you.

9 THE VIDEOGRAPHER: Off the record,
10 4:48.

11 (Whereupon, a discussion ensued
12 off the record.)

13 (Whereupon, there was a brief
14 recess.)

15 BY MR. BROWN:

16 Q. Okay, Mr. Sterling, we've got about a
17 couple dozen questions. It'll be quick. Thank you
18 for your patience.

19 (Whereupon, Plaintiff's
20 Exhibit 30 was marked for
21 identification.)

22 BY MR. BROWN:

23 Q. Could you pull up Exhibit 30, please?

24 A. Is that the Georgia Assembly?

25 Q. Right. The letter from Walker.

1 A. And Blackmon?

2 Q. That's correct.

3 Has the --

4 A. Yes?

5 Q. Has the Secretary responded to that
6 letter?

7 A. I don't believe so. I think we are -- the
8 intent, as I stated earlier, is that the
9 investigative outcome will be reported to the State
10 Election Board at the March 16th meeting is my
11 understanding.

12 (Whereupon, Plaintiff's
13 Exhibit 33 was marked for
14 identification.)

15 BY MR. BROWN:

16 Q. Okay. Now, changing gears a little bit,
17 if you could access Exhibit 33, please.

18 A. The Conny McCormack opinion editorial?

19 Q. That's correct. Have you seen this
20 before?

21 A. No.

22 Q. Hang on just one second. I'm looking for
23 the passage that I need to ask you about. She says
24 that:

25 [As read] "The Secretary of State

1 has confirmed that the 100 percent
2 manual tally verified that their
3 voting system accurately counted the
4 votes and he has certified the
5 official election results."

6 Did it accurately -- did it verify -- it's
7 one thing to verify the result as being fair.
8 Another is to verify that the voting system
9 accurately counted the votes.

10 Did it do that?

11 A. Yes.

12 Q. Did it also in -- determine that the
13 voting system double counted the votes in some
14 instances?

15 A. Not from the hand tally, which is what
16 she's talking about. And the certification was
17 not -- was done -- because you have to do the audit
18 tally prior to state certification. But state law
19 still stipulates you have to certify the election
20 results within ten days of the election.

21 Q. Okay. Do you see -- you see the problem,
22 is that the hand count either correctly -- or
23 confirmed a miscount or it incorrectly missed the
24 first one.

25 Which is it?

1 A. No, Mr. Brown, I'm not going to give in to
2 the characterization of your -- of your statement.
3 If there's --

4 Q. Well, let me ask you this --

5 A. -- five million votes cast, if the -- you
6 get to the point where it's point 1053 percent off
7 in terms of the number of ballots that were in the
8 original vote count and point 0099 percent off in
9 the margin, that shows that in the aggregate the
10 system correctly tallied the votes.

11 Q. Now, is that percentage that you're using,
12 is that taking into account the double counting and
13 triple counting or not?

14 A. Mr. Brown, again, inside that, inside that
15 point 1053 percent, and then with the human error
16 of which all of that is a part, and the discovery
17 of several thousand ballots because of the audit,
18 that is what showed that the machines accurately
19 reflect the ballots they were put through.

20 Was it probably double counted by a human
21 being in one place and then not double counted
22 another time to make it get closer in the wash, I
23 mean, law of large numbers? Yes.

24 So again, I'm going to state for the
25 umpteenth time in this deposition and in, you know,

1 press conferences and the like that the hand tally
2 showed that the machines counted properly the
3 ballots presented to them.

4 And if ballots were presented to it twice,
5 it counted twice. And that is a human error that
6 is going to happen in every election in the world,
7 unfortunately, because there's human beings
8 involved.

9 And the intent of a hand tally is not to
10 replicate the exact outcome. And so yes, when you
11 look at this with that close of a percentage, it
12 essentially shows it was dead on accurate in terms
13 of the way the ballots presented and the ballots
14 counted.

15 Q. Did you or your office detect the
16 duplicate and triplicate counting before or after
17 the hand tally?

18 A. I believe it would have been after. We
19 became aware of it in many of those cases, yes.
20 Because at the time I didn't believe that there was
21 any until I was -- it was discovered after this, I
22 believe, that there had been some especially only
23 in the hand-marked paper absentee ballots in the
24 initial count, and then at sometime after that,
25 after the recount, that there had been batches of

1 the B.M.D. ballots, which in the normal regular
2 world would not have occurred because you wouldn't
3 have run them through a central scanner.

4 Q. How did you quantify the number of
5 duplicate and triplicate counting?

6 A. I'm only aware of a couple of hundred
7 overall. But the office is aware of it, and that's
8 the numbers that we have to work with right now.

9 Q. What I'm getting at is someone found, oh,
10 here's a hundred that were done twice, to use
11 your --

12 A. Something along those lines, yes.

13 Q. Right. What did they do, did they keep on
14 looking to see if there was another hundred in
15 another county?

16 A. I don't know.

17 Q. So they found thousands of duplicate or
18 triplicate and stopped looking?

19 A. No, I don't believe that's the case, sir.

20 Q. Okay. How many were -- well, what was the
21 quantity? How many do you -- how many were
22 duplicate ballots in your view?

23 A. As I understand it, we're -- it was in the
24 hundreds tops. That's as it was left in my last
25 having any discussions about this. It's now been

1 probably a year or so since I've had a discussion
2 about double scanning of ballots, it may be a
3 little bit less than that, but sometime back in
4 2021.

5 Q. Now, Secretary Raffensperger said in a
6 radio interview a couple of days ago that there
7 were thousands of duplicate ballots and focused on
8 Fulton.

9 If I'm recalling his testimony correctly,
10 that is an overstatement in your --

11 A. I wouldn't call it his testimony. He was
12 on a political radio show. And I don't believe he
13 said --

14 Q. I --

15 A. -- there was thousands of double cast --

16 Q. Let me take that --

17 A. -- ballots.

18 Q. Let me just strike that. That was an
19 unfair question. His statement on the radio show.
20 Do you --

21 A. I don't believe he said that. I was
22 listening to the radio show as well. I believe
23 that the radio host might have said there were
24 thousands. I don't believe the Secretary said
25 there was, because there, as far as we are aware,

1 there were not.

2 Q. Okay. Well, just help me out, though. I
3 know that you found hundreds of duplicates or
4 triplicates. What did you or people under your
5 direction do to make sure there weren't more?

6 I mean, how do you do that?

7 A. I can't answer that question because,
8 again, people are looking at it and bringing them
9 to us, we don't have a habit of going and looking
10 over people's shoulders over and over again to see
11 this.

12 Because again, we had an initial count, a
13 hand tally and a recount that were all pretty close
14 to each other. And again, the things we found,
15 that there was more missing ballots because of the
16 Floyd County event than there were of anything of
17 kind of duplicate ballots that we were aware of at
18 any time.

19 Q. So a longer but maybe more correct
20 statement would be that you have found hundreds,
21 not thousands, of duplicates and triplicates
22 correct, you don't really know how many there are?

23 A. Let me say this. On the triplicates there
24 was one batch, and I think it was less than a
25 hundred. And the other ones were in the hundred or

1 so range, if memory serves. And again, I can think
2 of maybe four occurrences where that was the case
3 that I am aware of.

4 Q. Right. But those are ones that you have
5 found, not the ones that exist, correct, might or
6 might not be?

7 A. Well, again, Mr. Brown, if you have an
8 initial count, you have a hand tally and you have a
9 recount, and they are very, very, very close
10 together, the chances of there being lots of --
11 here's the reality, if there was thousands and
12 thousands of double scans, we would have been
13 thousands of physical ballots short. We were not.

14 There was -- if you take point
15 1053 percent of five million, you're talking about,
16 I guess, 5,000 ballots or so, somewhere in that
17 range. So that would be inside that range, which
18 makes me see from the evidence before us that there
19 were not thousands of them, there might have been
20 hundreds.

21 And again, if there was a particular area
22 where this would have occurred, you would have seen
23 the number of ballots cast shooting past the number
24 of people who were within a particular precinct,
25 and we didn't see that exist anywhere that I'm

1 aware of right now either.

2 So in the general view of the data,
3 there's not anything pointing to that happening on
4 a large scale.

5 Q. And --

6 A. And frankly, Mr. Brown, now that there's
7 so many people looking at this, I'm pretty sure
8 that all the ones that have occurred have likely
9 been surfaced.

10 Q. The -- and what we've been talking about
11 in terms of the hand count and the machine recount,
12 that didn't dis -- touch any of the down ballot
13 races; correct?

14 A. Correct.

15 Q. And so the -- your statements about the
16 proof of the accuracy of the system would be
17 limited to what you can find in the POTUS hand
18 count and recount; correct?

19 A. Again, I'm going to push back on the
20 underpinning of your question. The presidential
21 race was done because that's the one we chose to
22 do. It showed that the machines counted the
23 ballots accurately. There's no claim anywhere that
24 there was some other untoward action in any other
25 elections.

1 And again, if you go back and look at the
2 outcomes in these elections, they all generally
3 reflected normal things. So that's -- there's no
4 reason to believe that that occurred.

5 Q. Just one second, please.

6 Let me direct your attention again to
7 Exhibit 33, the second page. This is the article
8 by the -- by Conny McCormack.

9 A. Okay.

10 Q. She says at the top of the page:

11 "The biggest challenge was the
12 data entry of 41,881 batch reports
13 statewide into a spreadsheet."

14 Do you see that?

15 A. Yes.

16 Q. And we saw some of the difficulties of
17 that both in DeKalb County and in Fulton County
18 through Dr. Stark's declaration.

19 Are you with me?

20 A. I got where you -- I got where you're at.

21 Q. She then says:

22 "We poured over each county's
23 reconciliation report to identify
24 inadvertent double entry of some
25 ballot batches..."

1 What is she talking about there? What is
2 she referring to? And if --

3 A. I don't know.

4 Q. If she did that, why did we find so many
5 problems reconciling the tally sheets to the
6 totals?

7 A. I don't know. You'd have to ask her.

8 MR. BROWN: Okay. That is all I
9 have. To the extent, and I think it's
10 agreed, that Mr. Sterling was not
11 knowledgeable about some of the topics,
12 we'll reserve our right to continue such
13 as it is.

14 MR. RUSSO: Okay. Which topics are
15 those?

16 MR. BROWN: I don't have them in
17 front of -- front of me. And we can -- we
18 can address it later.

19 MR. RUSSO: Okay.

20 MR. BROWN: Thank you, Mr. Sterling.
21 Appreciate your time.

22 THE WITNESS: Thank you, Mr. Brown.

23 MR. BROWN: Thank you, Vince.

24 MR. RUSSO: Thank you.

25 Thanks, Debra. Thanks Chris.

1 THE VIDEOGRAPHER: We are going off
2 the record at 5:11.

3 (Whereupon, a discussion ensued
4 off the record.)

5 (Whereupon, the reading and
6 signing of the deposition by the
7 witness was reserved.)

8 - - -

9 (Witness excused.)

10 - - -

11 (Whereupon, the deposition
12 concluded at 5:15 p.m.)

13 --oOo--

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3 COBB COUNTY)

4 I, Debra M. Druzisky, a Certified Court
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7 That prior to being examined, the witness
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9 sworn to testify to the truth, the whole truth, and
10 nothing but the truth;

11 That said deposition was taken before me
12 at the time and place set forth and was taken down
13 by me in shorthand and thereafter reduced to
14 computerized transcription under my direction and
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16 deposition is a full, true and correct transcript
17 of my shorthand notes so taken.

18 Review of the transcript was requested.
19 If requested, any changes made by the deponent and
20 provided to the reporter during the period allowed
21 are appended hereto.

22 I further certify that I am not of kin or
23 counsel to the parties in the case, and I am not in
24 the regular employ of counsel for any of the said
25 parties, nor am I in any way financially interested
in the result of said case.

IN WITNESS WHEREOF, I have hereunto
subscribed my name this 3rd day of March, 2022.

<%13053,Signature%>
Debra M. Druzisky
Georgia CCR-B-1848

1 To: Mr. Russo

2 Re: GABRIEL STERLING

3 Date Errata due back at our offices: _____

4

5 Greetings:

6

7 This deposition has been requested for read and
8 sign by the deponent. It is the deponent's
9 responsibility to review the transcript, noting any
10 changes or corrections on the attached PDF Errata.
11 The deponent may fill out the Errata electronically
12 or print and fill out manually.

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11 Once the Errata is signed by the deponent and
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13 Veritext (below).

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2 I, the undersigned, do hereby certify that I
3 have read the transcript of my testimony, and that

4 _____ there are no changes noted; or

5 _____ the following changes are noted:

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7 Pursuant to Rule 30(7)(e) of the Federal Rules
8 of Civil Procedure and/or OCGA 9-11-30(e), any
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10 To assist you in making any such corrections,
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24 Page_____Line_____Change:_____

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19 _____

20 DEPONENT'S SIGNATURE

21 Sworn to and subscribed before me this _____ day of

22 _____, 2022.

23 _____

24 NOTARY PUBLIC

24 My Commission Expires: _____.

25 _____ Notary Public

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3 NORTHERN DISTRICT) GABRIEL STERLING
4 ATLANTA DIVISION)

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18 Debra M. Druzisky
19 Georgia CCR-B-1848